

(c) *Simla Winter Allowance*.—In addition to any allowances to which they may be entitled under the preceding clauses, Government servants who are required to remain in Simla during the whole or part of the winter months (November to March inclusive) will be granted a winter allowance at the following rates :

Class.	Pay per mensem.		Allowance per mensem.	
	Rs.		Rs.	
Class I	Below 100		20	
Class II	100—199		25	
Class III.. .. .	200—299		30	

Provided that—

(1) unmarried Government servants, or Government servants not residing with their families, will draw this allowance at a flat rate of Rs. 20 per mensem, and

(2) pay plus winter allowance should in no case exceed Rs. 300.

This allowance will be admissible both to the establishment of offices of which the headquarters are Simla and to members of migratory offices who are required to remain in Simla during the winter.

(d) *Delhi Conveyance Allowance*.—So long as there is not sufficient Government accommodation in New Delhi, this allowance should continue for new entrants at the existing rates and subject to the existing conditions.

2. Except to the extent to which they are superseded by these orders, the provisions of the Simla Allowances Code will continue to apply to new entrants.

Offg. Joint Secretary to the Government of India.

To

All Departments of the Government of India ; the Director, Intelligence Bureau ; the Director of Public Information ; the Public Service Commission ; the Private Secretary to His Excellency the Viceroy and the Military Secretary to His Excellency the Viceroy.

COMPULSORY RETIREMENT OF GOVERNMENT SERVANTS AFTER TWENTY-FIVE YEARS OF SERVICE.

928. *Prof. N. G. Ranga : Will Government be pleased to state :

(a) the number of years of service allowed to be put in by Government servants, above the ranks of clerks, and at what age are such Government servants compulsorily liable to retire on pension ;

(b) whether they have considered the advisability of making such servants retire earlier, i.e., after putting in a maximum service of twenty-five years, irrespective of their age in order to provide more employment for the unemployed and lessen the cost of the services ; and

(c) if not, whether they are prepared to consider the suggestion ?

The Honourable Sir James Grigg : (a) I would invite the attention of the Honourable Member to Articles 465 and 465-A of the Civil Service Regulations and Rule 56 of the Fundamental Rules.

(b) and (c). No.

AGE LIMIT FOR GOVERNMENT SERVANTS FOR THE INDIAN AUDIT AND ACCOUNTS SERVICE EXAMINATION.

929. *Sardar Mangal Singh : (a) Is it a fact that up to last year, Government servants were allowed to compete for the Indian Audit and Accounts Service Examination up to 30 years of age ?

(b) Is it a fact that from this year this rule has been withdrawn and that now the maximum age limit of 25 years ordinarily applies in the case of Government servants also ?

(c) Are Government aware that the withdrawal of 30 years' age limit in the case of Government servants has caused hardship to Government servants generally ?

(d) Is it a fact that as a matter of general principle Government do not apply their new rules or orders which involve adverse effect or withdrawal of an existing concession to those Government servants who are in service from before the date of the promulgation of such rules or the issue of such orders ?

(e) Is it a fact that the Revised Rates of Pay Rules, Revised Leave Rules, etc., apply only to persons entering Government service after a certain date ?

(f) Are Government prepared to consider the desirability of keeping the former age limit, i.e., 30 years, for competitive examination of the Indian Audit and Accounts Service in the case of those Government servants who were in service before the orders withdrawing the 30 years' age limit were issued ? If not, why not ?

The Honourable Sir James Grigg : (a) Yes.

(b) The maximum age limit for Government servants is now 28 years.

(c) No.

(d) The principle does not apply to this case. In the preamble to the rules regulating the examination for admission of candidates to the Indian Audit and Accounts Service, Government has explicitly reserved the right to alter the rules from year to year.

(e) Yes.

(f) Government do not propose to tie their hands in the manner suggested.

WAGONS PAINTED BLACK BY THE EAST INDIAN RAILWAY.

930. *Mr. Kuladhar Chaliha : Will Government be pleased to state the total number of wagons painted black by the East Indian Railway, mentioning the respective quantities of Muraco Black and Messrs. Jenson & Nicholson's three per cent. carbon black paint used for the painting of the wagons during the years 1934-35 and 1935-36, respectively ?

The Honourable Sir Muhammad Zafrullah Khan : The information is not available.

TEST OF SAMPLES OF READYMIXED RED OXIDE PAINTS SUBMITTED BY CERTAIN FIRMS.

931. *Mr. Kuladhar Chaliha : (a) Is it a fact that Messrs. Jenson & Nicholson & Messrs. Shalimar Paint Works submitted, as required under conditions of the tender, samples against supplementary tender No. M-7344 to the Government Test House for test ?

(b) Is it a fact that the Government Test House could not determine whether the samples referred to contained any varnish, stand-oil or like mediums ?

(c) If the reply to part (b) be in the negative, will Government be pleased to state the percentage of varnish, stand-oil or such mediums detected in the said samples of Readymixed Red Oxide Paint ?

(d) When were the same detected ?

(e) Will Government be pleased to lay a copy of the test-report on the table of this House ? If not, why not ?

The Honourable Sir Frank Noyce : With your permission, Sir, I propose to reply to questions Nos. 931 and 932 together.

Information has been called for and replies will be placed on the table of the House in due course.

DETERMINATION OF THE QUALITY OF PAINTS, VARNISHES AND ENAMELS, ETC.

932. *Mr. Kuladhar Chaliha : (a) Will Government be pleased to state if the presence of same analytical figures on the chemical examination of the sample would indicate or disclose a uniformity or similarity in the quality of paints, varnishes, enamels, bituminous solutions, etc. ?

(b) Will Government be pleased to state if the durability of paints, varnishes, enamels, bituminous solutions, etc., are determined on the general principles indicated above ? If not, will Government be pleased to state the method or manner in which the quality is determined ?

TERMINATION OF THE OPIUM TRAFFIC IN INDIA.

933. *Mr. Kuladhar Chaliha : Will Government please state :

(a) the total income which they derived from the sale of provision opium in China and Far Eastern Countries during the following periods :

1901—31,
1910-11,
1930-31, and
1934-35 ;

(b) the total income derived from the sale of excise opium in India in the following years :

1930-31,
1931-32,
1932-33,
1933-34, and
1934-35 ;

[For answer to this question, see answer to question No. 931.]

(c) whether the income derived from the sale of excise opium in India is appropriated by the Government of India towards their revenue, or distributed to the different provinces of India ;

(d) the terms of the agreement which they entered with the League of Nations for terminating the internal opium traffic in India ; and

(e) whether they have considered the desirability of terminating the opium traffic in India for the moral welfare of the people ?

The Honourable Sir James Grigg : (a) and (b). A statement is laid on the table. The collection of information showing the revenue derived from the sale of provision opium to China and Far Eastern countries during the period 1901—31 would involve great labour which would not be commensurate with the value of the result obtained.

(c) In the Governor's Provinces and Coorg the revenue derived from the sale of excise opium is Provincial and in other minor Provinces, it is Central.

(d) The Government of India have not entered into any agreement with the League of Nations for terminating the internal opium trade in India.

(e) This is a matter primarily for the Provincial Governments to consider.

(a) Statement showing the total revenue derived from the sale of provision opium to China and Far Eastern countries during 1910-11, 1930-31 and 1934-35.

							Rs.
1910-11	..	..	..	..	..	..	10,88,14,416
1930-31	..	..	..	..	..	..	1,78,28,247
1934-35	..	..	..	..	..	..	26,20,000

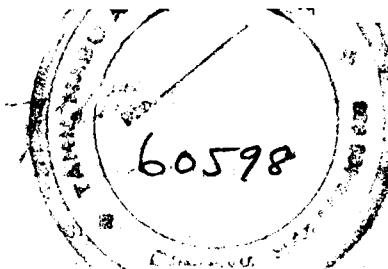
NOTE.—The figures for the year 1910-11 represent revenue from exports of provision opium to all countries and figures for 1930-31 and 1934-35 represent revenue from exports of provision opium to Far Eastern countries only. No opium has been exported to China since 1914-15.

(b) Statement showing the total net revenue derived from the sale of excise opium in British India (excluding the cost of opium) during 1930-31 to 1934-35.

				Central Areas.	Provinces.	Total.
				Rs.	Rs.	Rs.
1930-31	..	..	..	4,96,637	2,49,06,479	2,54,03,116
1931-32	..	..	..	7,67,050	2,33,31,395	2,40,98,445
1932-33	..	..	..	4,22,089	2,22,71,930	2,26,94,019
1933-34	..	..	..	4,22,514	2,13,80,170	2,18,02,684
1934-35	..	..	..	4,25,592	2,12,64,002	2,16,89,594

Mr. Kuladhar Chaliha : Will the Honourable Member inform us whether there is any probability of terminating poppy cultivation within a certain period at Ghazipur ?

The Honourable Sir James Grigg : No, Sir ; I gather that the policy of the Government of India is to limit the cultivation to internal needs.



12, 31, 12, 15 LEGISLATIVE ASSEMBLY.

Friday, 9th October, 1936.

N 37.9

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

QUESTIONS AND ANSWERS.

CATTLE BYRES IN NEW DELHI.

925. *Prof. N. G. Ranga : (a) Will Government please state whether the Health Officer, New Delhi, issued notices last season to Government employees to remove their cows and buffaloes from their compounds ?

(b) Will Government please state whether they are aware that the New Delhi Municipal Committee have built cattle byres at inconvenient centres to house the cattle of Government servants ?

(c) Are Government aware that these cattle byres are given to contractors ?

(d) Are Government aware that these contractors sublet the byres to *owalas*, with the consequence that Government servants do not get a suitable byre for their cattle ?

(e) Are Government aware that these cattle byres are never kept clean ?

(f) Will Government please state whether they are prepared to allow the ministerial establishment (migratory staff) to keep their cattle in their own compounds under strict sanitary conditions ?

Sir Girja Shankar Bajpai : The information has been called for and will be furnished to the House on receipt.

RETIRING PENSION FOR RECORD SORTERS AND DUFFRIES.

926. *Prof. N. G. Ranga : (a) Is it a fact that under the new rules recently published, the record sorters and duffries are allowed retiring pension on attaining the age of 60 years or after a service of 40 years ?

(b) Are Government aware that this rule prevents the earlier entry into service of some of the unemployed in the country, and do Government propose to revise the rules to allow retiring pension on attaining years of age or 25 years' service, as is the case in other services ? If not, why not ?

The Honourable Sir James Grigg : (a) Record sorters and duffries are granted retiring pension after a qualifying service of 40 years and gratuity pension on attaining the age of 60 years.

(c) A re-distribution of circles in the Provinces of Bihar and Orissa was made at the beginning of 1936-37 to fit in with the sanctioned strength of Income-tax Officers. It was made both in the interests of economy and for administrative convenience.

Mr. Ram Narayan Singh : Is there any likelihood of the Income-tax office being removed from Ranchi to Hazaribagh ?

The Honourable Sir James Grigg : I think there is a question about that which comes up next, and I will answer it then.

REMOVAL OF INCOME-TAX OFFICE FROM HAZARIBAGH TO RANCHI.

935. ***Mr. Ram Narayan Singh :** (a) In effecting any administrative changes, do Government consider also the conveniences of the general public and, if so, in removing the income-tax office from Hazaribagh to Ranchi, did Government consider the conveniences or inconveniences of the income-tax payees of the Hazaribagh district, and, if so, how, in what manner and to what extent ?

(b) Are Government aware of the discontent and indignation prevailing among the income-tax assesseees of Hazaribagh owing to the recent removal of the income-tax office from Hazaribagh to Ranchi, and, if so, are Government prepared to reconsider the question and again transfer the income-tax office from Ranchi to Hazaribagh ?

The Honourable Sir James Grigg : (a) Yes. In removing the Income-tax Office from Hazaribagh to Ranchi, Government considered the convenience of the majority of the assesseees of the South Hazaribagh-Manbhum Circle and not the convenience of the income-tax payers of the Hazaribagh district alone. They selected Ranchi as the headquarters of the combined Circle because it is situated between, and readily accessible from, the two parts of the Circle.

(b) The answer to the first part is in the negative. Government do not propose to reconsider the question of the location of this office.

REMOVAL OF INCOME-TAX OFFICE FROM HAZARIBAGH TO RANCHI.

936. ***Mr. Ram Narayan Singh :** (a) Are Government aware of the facts :

- (i) that in the months of April and May last, the Assistant Commissioner of Income-tax had, for want of an office at Hazaribagh, to hold his office at Kodarma some 42 miles from Hazaribagh ;
- (ii) that income-tax payees who had to attend the office of the income-tax Assistant Commissioner, had to take pleaders from Hazaribagh to Kodarma and were thus put to great hardships of various kinds by way of incurring greater expenditure and meeting with many other difficulties ; and
- (iii) that this conduct of the Assistant Commissioner is not in keeping with the assurances given by Government while replying to the starred question No. 1488 on the 8th April, 1936 ?

and to prohibit export in course of time, but not to terminate poppy cultivation altogether.

Mr. Kuladhar Chaliha : May I know if the Government of India have any idea at all to terminate poppy cultivation in the course of fifteen years ?

The Honourable Sir James Grigg : The internal policy of the Government of India has been and still is one of non-interference with the moderate use of raw opium.

Pandit Lakshmi Kanta Maitra : May I know if the Honourable Member is in a position to give us some data to show that the Government of India is adopting a progressive policy of reduction in regard to the internal consumption of opium ?

The Honourable Sir James Grigg : That is a different question. If the Honourable Member will put it down, I will try to answer it.

REMOVAL OF INCOME-TAX OFFICE FROM HAZARIBAGH TO RANCHI.

934. ***Mr. Ram Narayan Singh :** Will Government be pleased to state :

- (a) the difference between the Government's present expenditure towards the payment of travelling allowances to the income-tax officer of the Hazaribagh District and that when the income-tax office was located at Hazaribagh ;
- (b) the difference between the present house rent to be paid by them for income-tax office at Ranchi and that when the office was at Hazaribagh ; and
- (c) all the advantages or disadvantages either in terms of money or in matters of administrative facilities accrued to them by removal of income-tax office from Hazaribagh to Ranchi ?

The Honourable Sir James Grigg : (a) The Income-tax office located at Hazaribagh had for its jurisdiction the whole of the districts of Hazaribagh and Palamau. The office now located at Ranchi has for its jurisdiction the Sadar and Chatra sub-divisions of the district of Hazaribagh, the Sadar sub-division of the district of Manbhum and the district of Ranchi minus Ranchi town. Formerly when there was an office at Hazaribagh, the Sadar sub-division of the district of Manbhum with the district of Ranchi formed a separate circle with its headquarters at Ranchi.

The expenditure of the defunct Hazaribagh circle under the head travelling allowance for the year 1935-36 was about Rs. 2,500. The expenditure under the same head and for the same period of the office of the defunct Ranchi-Manbhum Sadar circle was Rs. 1,775. It is estimated that the total expenditure under the head 'Travelling allowance' for the new circle will be about Rs. 3,000.

(b) The rent of the office building at Hazaribagh was Rs. 45 per mensem. No separate house has been engaged for the South Hazaribagh-Manbhum Sadar circle at Ranchi. It is accommodated in the building in which the Ranchi-Manbhum Sadar and Salaries Circles were located. No extra expenditure is incurred on this account.

(c) A re-distribution of circles in the Provinces of Bihar and Orissa was made at the beginning of 1936-37 to fit in with the sanctioned strength of Income-tax Officers. It was made both in the interests of economy and for administrative convenience.

Mr. Ram Narayan Singh : Is there any likelihood of the Income-tax office being removed from Ranchi to Hazaribagh ?

The Honourable Sir James Grigg : I think there is a question about that which comes up next, and I will answer it then.

REMOVAL OF INCOME-TAX OFFICE FROM HAZARIBAGH TO RANCHI.

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(b) Are Government aware of the discontent and indignation prevailing among the income-tax assesses of Hazaribagh owing to the recent removal of the income-tax office from Hazaribagh to Ranchi, and, if so, are Government prepared to reconsider the question and again transfer the income-tax office from Ranchi to Hazaribagh ?

The Honourable Sir James Grigg : (a) Yes. In removing the Income-tax Office from Hazaribagh to Ranchi, Government considered the convenience of the majority of the assesses of the South Hazaribagh-Manbhum Circle and not the convenience of the income-tax payers of the Hazaribagh district alone. They selected Ranchi as the headquarters of the combined Circle because it is situated between, and readily accessible from, the two parts of the Circle.

(b) The answer to the first part is in the negative. Government do not propose to reconsider the question of the location of this office.

REMOVAL OF INCOME-TAX OFFICE FROM HAZARIBAGH TO RANCHI.

936. ***Mr. Ram Narayan Singh :** (a) Are Government aware of the facts :

- (i) that in the months of April and May last, the Assistant Commissioner of Income-tax had, for want of an office at Hazaribagh, to hold his office at Kodarma some 42 miles from Hazaribagh ;
- (ii) that income-tax payees who had to attend the office of the income-tax Assistant Commissioner, had to take pleaders from Hazaribagh to Kodarma and were thus put to great hardships of various kinds by way of incurring greater expenditure and meeting with many other difficulties ; and
- (iii) that this conduct of the Assistant Commissioner is not in keeping with the assurances given by Government while replying to the starred question No. 1488 on the 8th April, 1936 ?

(b) Will Government be pleased to state the number of cases of the Hazaribagh assesses disposed of by the income-tax officer at Hazaribagh from the time of removal of the income-tax office from Hazaribagh?

The Honourable Sir James Grigg : (a) (i). The Assistant Commissioner of Income-tax, Southern Range, Bihar and Orissa, heard some appeals at Kodarma in the month of April, 1936, not for want of office accommodation at Hazaribagh but particularly with a view to suit the convenience of the appellants concerned who belonged to places in the interior of Hazaribagh district situated at a distance from the headquarters town.

(ii) and (iii). In some cases the appellants took pleaders from Hazaribagh to Kodarma but the convenience that the practice of hearing appeals at stations nearer to their places of residence gives to many of the appellants outweighs the inconvenience caused to a few of them. It was on the whole in the interest of appellants that the appeals relating to places such as Chatra, Giridih and Suriya were heard at Kodarma.

(b) 137 assessment cases of South Hazaribagh have been disposed of by the Income-tax Officer in this year. Out of these 78 cases related to the Hazaribagh town, all of which were disposed of at Hazaribagh.

Mr. Mohan Lal Saksena : Are any lawyers available locally at Kodarma?

The Honourable Sir James Grigg : If the Honourable Member will not misunderstand me, I hope not.

Mr. Ram Narayan Singh : Is it not inconvenient to income-tax assesses whose cases are to be heard at Kodarma to take lawyers from Giridih, Chatra and Hazaribagh?

The Honourable Sir James Grigg : I think it would be much better if the appellants relied on the Income-tax officers themselves and did not bother about taking lawyers.

Mr. Mohan Lal Saksena : Am I to understand that the hearings were fixed at Kodarma so that the appellants may not take lawyers with them and may rely on the income-tax officers?

The Honourable Sir James Grigg : The Honourable Member must not take me too seriously.

Mr. Ram Narayan Singh : Is the Honourable Member aware that assesses do require lawyers to plead for them in the Courts of these Income-tax officers?

The Honourable Sir James Grigg : With some experience of Income-tax law and practice, I believe that not to be quite accurate.

PLACING OF EACH DISTRICT IN THE CHARGE OF ONE INCOME-TAX OFFICER.

937. ***Mr. Ram Narayan Singh :** (a) Will Government be pleased to state the reasons why two or more districts are combined under one income-tax office such as Patna-Shahabad, Hazaribagh-Ranchi, but each of these districts is really placed in independent charge of one income-tax officer?

(b) Are Government prepared to consider the suggestion that in place of the arrangement mentioned in (a), each important district is

in charge of one independent income-tax officer with his headquarters or office in the chief town of the district under him?

The Honourable Sir James Grigg : (a) Some of the districts of Bihar contain too small a number of assesses to be constituted into independent charges. They have therefore to be added on to other districts or parts of districts so that each of the combined areas thus formed may contain an adequate number of assesses for one Income-tax Circle. It is not correct to say that in any such case, each of the dependent districts or parts of districts is placed in the independent charge of one Income-tax Officer.

(b) In view of the reply to (a), the Government are not prepared to consider the arrangements made.

ALLEGATIONS AGAINST THE MAGISTERIAL CHECKING AT SAMASTIPUR STATION ON THE BENGAL AND NORTH WESTERN RAILWAY.

938. ***Mr. Satya Narayan Sinha :** (a) Has the attention of Government been drawn to the allegations against the magisterial checking at Samastipur Railway Station, Bengal and North Western Railway, which appeared in the *Searchlight* in its issues of 29th July, 1936?

(b) Will Government be pleased to state the number of passengers arrested by means of magisterial checking on the said Railway, since the system has been introduced there?

(c) Will Government be pleased to state if the said Bengal and North Western Railway make any arrangement for food and drink of the passengers arrested for the said purpose during the period of their detention?

(d) If the reply to part (c) be in the affirmative, will Government be pleased to state what amount the said Railway has spent so far on the passengers arrested?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, by the Honourable Member's question.

(b) 6,670.

(c) and (d). I have called for certain information and will lay a reply on the table in due course.

Pandit Lakshmi Kanta Maitra : Has this checking been done by the Railway Magistrate?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir; the checking was done by the railway staff.

Mr. N. M. Joshi : What is exactly the meaning of the expression 'magisterial checking'? What happens? Does the Magistrate go there and stand in the carriage when the checking proceeds.

The Honourable Sir Muhammad Zafrullah Khan : That is the expression used in the question, not in my reply. The checking was a surprise check carried out, I understand, by the railway checking staff and the people who were discovered travelling without tickets or passes were immediately placed before the Magistrates.

Qazi Muhammad Ahmad Kazmi : Was it under the orders of some Magistrate ?

The Honourable Sir Muhammad Zafrullah Khan : A Magistrate has no business to order it.

Pandit Lakshmi Kanta Maitra : Is it a fact that the services of a magistrate were requisitioned first and in his presence this checking was done ?

The Honourable Sir Muhammad Zafrullah Khan : That may be, but I would require notice of the question.

Mr. Ram Narayan Singh : We always hear a lot of complaints against the Bengal and North Western Railway ? Is there anything peculiar to this railway ?

The Honourable Sir Muhammad Zafrullah Khan : I do not know whether this is a complaint against this particular railway.

Pandit Lakshmi Kanta Maitra : May I know whether this Magistrate in whose presence these people were placed for trial was a District Magistrate or a Sub-Divisional Magistrate or a Deputy Magistrate ?

The Honourable Sir Muhammad Zafrullah Khan : From the question I do not understand that it was either a District Magistrate or a Sub-Divisional Magistrate.

Pandit Lakshmi Kanta Maitra : On receipt of this question did the Honourable Member make enquiries whether this checking was done at the instance of a Magistrate whose services were requisitioned by the particular railway administration or this checking was done at the initiative of the magistrate himself who himself proceeded to the spot ?

The Honourable Sir Muhammad Zafrullah Khan : I have no reason to assume that any checking on the railways is done at the instance of any particular magistrate.

Pandit Lakshmi Kanta Maitra : I wanted to know whether in this case the checking was done, the checking which is characterised as a magisterial checking was done at the instance of the magistrate himself. Did the Honourable Member enquire about this ?

The Honourable Sir Muhammad Zafrullah Khan : I made no enquiry as I had no reason to assume that any checking would be carried out at the instance of any magistrate. It has been characterised as a magisterial checking by the Honourable Member who put down the question, not by the railway department.

Pandit Lakshmi Kanta Maitra : Assuming that it is an allegation did the Honourable Member enquire into its accuracy or otherwise ?

The Honourable Sir Muhammad Zafrullah Khan : What is the allegation ?

Pandit Lakshmi Kanta Maitra : Assuming that it is an allegation by the questioner that it was a magisterial checking.

The Honourable Sir Muhammad Zafrullah Khan : There is no allegation to that effect in the question itself.

Pandit Lakshmi Kanta Maitra : Then what did the Honourable Member mean by the expression 'magisterial checking' ?

The Honourable Sir Muhammad Zafrullah Khan : I meant nothing by that expression. I enquired whether there was a special checking of that kind in which people were discovered travelling without tickets.

READYMIXED RED OXIDE PAINT PURCHASED BY THE NORTH WESTERN RAILWAY.

939. ***Pandit Lakshmi Kanta Maitra :** (a) Is it a fact that the North Western Railway has always purchased Gulf Red Paint to Indian Stores Department, Specification No. G. P-73 in stiff form only, and made their own Readymixed by adding oils, turpentine, dryers and varnish "Gold Size", etc. ?

(b) Will Government be pleased to state the reasons why the North Western Railway is taking stiff paint when Readymixed is available at cheaper price ?

(c) Will Government be pleased to state the cost per gallon of the Readymixed Red Oxide Paint made of Stiff Paint purchased by the North Western Railway against the supplementary tender No. M-7344 ?

(d) Will Government be pleased to state the reasons why the North Western Railway is still taking Stiff Red Oxide Paint when Readymixed Paint is available at a cheaper price ?

(e) Will Government be pleased to state the covering capacity in square feet per gallon in one coat of the Readymixed Red Oxide Paint made of Stiff Red Oxide Paint purchased by the North Western Railway against supplementary tender No. M-7344 ?

(f) Will Government be pleased to state the covering capacity in square feet per gallon in one coat of the Readymixed Red Oxide Paint purchased by Railways other than the North Western Railway against supplementary tender No. M-7344 ?

(g) Is it a fact that the Bombay, Baroda and Central India Railway has always purchased Red Oxide Paint in stiff form only, and made their own Readymixed by adding oils, turpentines, dryers, varnish, "Gold size", etc. ?

(h) Will Government be pleased to state the cost per gallon of the Readymixed Red Oxide Paint made of stiff paint purchased by the Bombay, Baroda and Central India Railway during 1935-36 ?

The Honourable Sir Muhammad Zafrullah Khan : Information is being called for and a statement will be laid on the table of the House in due course.

Pandit Lakshmi Kanta Maitra : Notice of this question was given more than six weeks ago and the information to be collected is either from Simla or Delhi. May I know why the information could not be available so long ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir. The Honourable Member knows, and I am sure that it is the experience of the House, that no undue delay takes place in submitting information to the House.

Mr. Mohan Lal Saksena : Similar questions were tabled much earlier by my Honourable friend, Mr. Amarendra Nath Chattopadhyaya ?

Mr. President (The Honourable Sir Abdur Rahim) : Will the Honourable Member look at the nature of the question and what sort of information is required.

Pandit Lakshmi Kanta Maitra : I should like to point out that the notice of the same question was given as early as July ; so far as my question is concerned, it was given in August. We are now in the middle of October and if in the short space of a session extending over five or six weeks we cannot get information, then we are helpless.

Mr. N. M. Joshi : The reply may have been prepared in July.

TENDERS FOR READYMIXED RED OXIDE PAINT REQUIRED FOR CERTAIN RAILWAYS.

940. ***Pandit Lakshmi Kanta Maitra :** (a) Is it a fact that in the supplementary tender No. M-7344, the following forecasts of requirements were given by the Indian Stores Department :

	Gallons.
For East Indian Railway	60,000
For Eastern Bengal Railway	25,000
For Great Indian Peninsula Railway	35,000

(b) Will Government be pleased to state if the paint intended to be purchased against the said supplementary tender was meant to be Ready Mixed ?

(c) Is it a fact that no indication was given in the said supplementary tender No. M-7344 of any requirements for the North Western Railway or the Madras and Southern Mahratta Railway ?

(d) Will Government be pleased to state if in spite of those facts the Indian Stores Department purchased against supplementary tender No. M-7344 *Stiff* Red Oxide Paints for the North Western Railway, and *Mixed* Paints for the Madras and Southern Mahratta Railway ?

(e) Will Government be pleased to state the reasons for not calling fresh tenders for the additional requirements of a considerably large quantity of Red Oxide *Stiff* for the North Western Railway and Red Oxide Readymixed for the Madras and Southern Mahratta Railway ?

(f) Do Government propose to enquire into the matter and to lay a copy of the report of such enquiry on the table of this House ? If not, why not ?

The Honourable Sir Frank Noyce : Information has been called for and a reply will be placed on the table of the House in due course.

Pandit Lakshmi Kanta Maitra : When can we get that information ?

The Honourable Sir Frank Noyce : Very detailed information has been asked on this subject in a long series of questions, not all from the Honourable Member. I think there are about 20 or 30 questions

on the subject. Detailed information has to be collected from a number of offices. All I can do is to promise that I will obtain it as quickly as possible. I cannot say more than that.

Mr. Mohan Lal Saksena : Is this information not available in the Indian Stores Department ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member says he has called for information as a matter of fact.

Pandit Lakshmi Kanta Maitra : I am thankful to the Honourable Member for the promise that he will lay a reply on the table of the House. I can assure him that I have very high respect for him. May I at least have some idea as to when we can get this information. After all from the nature of the questions the Honourable Member must have noticed that this is a matter in which an Indian concern is deeply interested and as such we want the information as early as possible.

The Honourable Sir Frank Noyce : I am sorry that I cannot give the Honourable Member any more detailed information that I have given. I will do my very best to get information as soon as possible.

TESTING OF READYMIXED BLACK PAINT.

941. ***Pandit Lakshmi Kanta Maitra :** (a) With reference to the statement laid on the table on the 24th November, 1933, in reply to part (b) of starred question No. 1068, will Government be pleased to state whether as a general rule mixed paints are not tested, and if so, how the ready mixed black paint was tested by the Government Test House, *vide* certificate No. 721-C ?

(b) Will Government be pleased to state how the supplies of ready mixed paints other than those of Indian Stores Department specifications are tested, verified and passed as acceptable by the Indian Stores Department, if the mixed paints are not tested before they are accepted for inclusion in the Indian Stores Department Contracts ?

(c) Is it a fact that the composition of the pigment of Messrs. Jenson & Nicholson's three per cent. Carbon Black ready mixed black paint was similar to or compared favourably with the composition of the pigment of Messrs. Jenson & Nicholson's stiff or Moist Black paint supplied to the East Indian Railway only at Rs. 9-7-0 per hundredweight on Rate Contract basis against Indian Stores Department Tender No. O-4/M for 1932-33 ?

(d) With reference to the statement laid on the table on the 24th November, 1933, in reply to part (e) of starred question No. 1069 of 1st April, 1933, is it a fact that 25 gallons of Jenson and Nicholson's ready mixed black paint of their stiff or moist black paint at Rs. 9-7-0 per hundredweight covered 11 covered wagons equal to 7,019 square feet, whereas "Muraco Black" with the same quantity of 25 gallons covered 14 covered wagons and seven open sided wagons equal to 11,063 square feet ?

(e) Is it a fact that the East Indian Railway authorities, not being satisfied with the test results of Messrs. Jenson and Nicholson's Stiff or Moist Black Paint, which was similar to or compared favourably with

the composition of the pigment of their three per cent. Carbon Black ready mixed black paint at Rs. 3 per gallon, purchased for test 50 gallons of their ready mixed black paint in December, 1932, *vide* the statement laid on the table on the 20th April, 1934, in reply to parts (e), (f) and (h) to question No. 51, in the Council of State, and the area covered by these 50 gallons as per types of the wagons recorded (about 14,000 square feet costing A2 type—1,687 square feet Rs. 18-1-2 against Muraco Black Rs. 12-6-2) is not available?

(f) Are Government aware that the East Indian Railway authorities for trial purpose purchased Messrs. Jenson & Nicholson's ready mixed black paint for test four times, but did not record the respective test results and commenced purchasing their untried ready mixed paint and never allowed such unusual facilities and preference to any Indian concern? If not, do Government propose to enquire into the matter and lay a copy of the results of such inquiries on the table of the House? If not, why not?

(g) Is it a fact that the numbers of types of the wagons painted with the trial paint purchased for an endurance test in service are recorded, so that, after service trials in traffic, the wagons so painted could be traced and called for inspection whenever required and may not be lost sight of?

(h) Is it a fact that each and every type of wagon is uni-equal and exactly the same in dimension and each type of wagon is of registered standard size such as type A2 in area is 1,687 square feet, type WHIV in area is 1,634 square feet and so on? If so, could the area of a wagon in square feet be easily specified by mentioning the number and type of the wagon?

The Honourable Sir Muhammad Zafrullah Khan: With your permission, Sir, I shall answer questions Nos. 941 and 942 together. The information is being collected and will be laid on the table of the House in due course.

REFUSAL BY THE EAST INDIAN RAILWAY TO ACCEPT BLACK PAINT OF A CERTAIN FIRM.

942. *Pandit Lakshmi Kanta Maitra: (a) With reference to the reply given on the 20th April, 1934, to parts (l), (m) and (o) to question No. 51 of the 6th March, 1934, in the Council of State, will Government be pleased to state whether in July 1933 with 500 gallons of Messrs. Jenson & Nicholson's three per cent. Carbon Black ready mixed black paint, purchased against Indian Stores Department Rate Contract No. O/4/M for 1933-34 only 105 wagons of the following types in area equal to 141,510 square feet could be painted:

A1	c	22	wagons	..	..	wg	c	18	wagons
A2		8	"	..	..	whv	"	9	"
AX	"	2	"	..	..	MAS kd	"	10	"
SX	"	2	"	..	..	MMV ke	"	8	"
MGV	"	25	"	..	..	MV kd	"	1	"

and thus the painting of A2 type wagon of 1,687 square feet cost Rs. 17-14-1 against "Muraco Black" for Rs. 12-6-2 per wagon?

[†]For answer to this question, see answer to question No. 941.

(b) Is it a fact that the Deputy Chief Mechanical Engineer, Lillooah, in his letter No. 1744/S. of 20th July, 1932, refused to take or use Murarka's any black paint? If so, will Government be pleased to state the reasons for such refusal?

(c) Is it a fact that the Controller of Stores, East Indian Railway in his letter No. SP/46/GB5/66/c of 27th July, 1932, pointed out to the Deputy Chief Mechanical Engineer, Lillooah, that Messrs. Jenson & Nicholson's black stiff paint had been certified by the Alipore Test House to contain about four per cent. Carbon Black, and if the East Indian Railway authorities refused to take Murarka's black paint on the score of being only three per cent. Carbon Black, Murarka's would have a very good case to put up?

(d) If the reply to part (c) be in the affirmative, is it a fact that after this letter the Deputy Chief Mechanical Engineer, Lillooah, refused to take Murarka's Black paint—a purely Indian manufacture of proved quality, and if so, why?

(e) If the reply to part (d) be in the affirmative, are Government prepared to issue circulars for reminding all departments concerned about their duty to support Indian manufactures of proved merit and economy?

RULES RELATING TO THE CONDITIONS OF SERVICE OF THE GOVERNMENT OF INDIA SECRETARIAT STAFF.

943. *Pandit Lakshmi Kanta Maitra: (a) Will Government please state whether the ministerial staff employed in the Government of India Secretariat is under the administrative control of the Governor General in Council?

(b) Will Government please state the practice that is followed for notifying to the staff of the Government of India Secretariat the rules relating to their conditions of service?

(c) Is it a fact that the rules and orders issued by the Government of India remain in force unless and until they are specifically superseded by subsequent rules and orders?

The Honourable Sir Henry Craik: (a) Yes.

(b) The attention of the Honourable Member is invited to the reply given by me to parts (f) and (g) of Khan Sahib Nawab Siddique Ali Khan's starred question No. 16 on the 31st August, 1936.

(c) Not necessarily. Some orders are superseded by fresh orders; others are issued for a specific purpose or period. When the purpose is achieved or the period has expired, the orders automatically lapse.

SUPERNUMERARIES IN THE CADRE OF ASSISTANTS IN THE POSTS AND TELEGRAPHS DIRECTORATE.

944. *Khan Sahib Nawab Siddique Ali Khan: Is it a fact that there is a large number of supernumeraries in the cadre of Assistants in the Posts and Telegraphs Directorate?

The Honourable Sir Frank Noyce: Yes.
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GRANT OF EXTENSIONS TO SOME OF THE SUPERINTENDENTS IN THE POSTS AND TELEGRAPHS DIRECTORATE.

945. *Khan Sahib Nawab Siddique Ali Khan : (a) Is it a fact that arrangements are being made to grant extension to some of the Superintendents in the Posts and Telegraphs Directorate after the age of 55 years, in spite of the presence of a large number of supernumeraries in the cadre of Assistants ?

(b) If the reply to part (a) be in the affirmative, do Government propose to discourage such extension ?

The Honourable Sir Frank Noyce : (a) In the case of ministerial officials, to which class Superintendents in the Posts and Telegraphs Directorate belong, their retention in service is permissible under the Fundamental Rules until they attain the age of sixty years so long as they continue to be efficient. No question of the grant of any extension of service as such is, therefore, involved and the question of the existence of a number of supernumeraries in the cadre of Assistants has no bearing on the question.

(b) Does not arise.

CLASSIFICATION OF DUTIES OF ASSISTANTS AND CLERKS IN THE POSTS AND TELEGRAPHS DIRECTORATE.

946. *Khan Sahib Nawab Siddique Ali Khan : Will Government be pleased to refer to the undertaking given in the Legislative Assembly on the 31st August, 1934, in reply to starred question No. 974, and state whether duties of the three classes of officials, viz., assistants, second and third division clerks in the Posts and Telegraphs Directorate, have since been classified ? If not, why not, and what is the cause of such unusual delay ?

The Honourable Sir Frank Noyce : The answer to the first part of the question is in the negative. As regards the last part, some progress has been made with the classification but in view of the large number of supernumeraries in the assistants grade as well as in the second division there is no urgent need for the classification to be made.

DUTIES OF ASSISTANTS AND CLERKS IN THE POSTS AND TELEGRAPHS DIRECTORATE.

947. *Khan Sahib Nawab Siddique Ali Khan : (a) Will Government be pleased to state what are the duties of assistants, second and third division clerks in the Posts and Telegraphs Directorate ?

(b) Are not assistants and clerks referred to in part (a) above borne on separate cadres carrying different scales of pay ?

(c) Are Government aware that some of the second and third division clerks in the Posts and Telegraphs Directorate are called upon to perform the work of assistants ? If so, why are they not remunerated by the grant of higher officiating pay ?

The Honourable Sir Frank Noyce : (a) Assistants in the office of the Director-General of Posts and Telegraphs deal with important

and difficult cases. Second division clerks are employed on dealing with less important cases while third division clerks are allotted only routine work such as typing.

(b) Yes.

(c) As regards the first part of the question, in view of the existence of numerous supernumerary assistants there can be no need for second and third division clerks to be called upon to do the work of assistants. The second part does not arise.

DUTIES OF SUPERINTENDENTS IN THE POSTS AND TELEGRAPHS DIRECTORATE.

948. *Khan Sahib Nawab Siddique Ali Khan : (a) Is it a fact that the sectional Superintendents of Secretariat and attached offices of the Government of India, except the Office of the Director General of Posts and Telegraphs, are required to pass all cases of assistants and clerks and to deal with important cases ?

(b) If the reply to part (a) above be in the affirmative, will Government be pleased to state why the same practice is not followed in the Posts and Telegraphs Directorate, which is also an attached office of the Government of India ?

(c) Are Government aware that the majority of the Superintendents in the Posts and Telegraphs Directorate do nothing but mark letters in pencil to assistants and clerks ? If so, do Government propose to make the Superintendents of the Posts and Telegraphs Directorate follow the Superintendents of the Secretariat and other attached offices ?

The Honourable Sir Frank Noyce : (a) The practice in the Secretariat and the Attached Offices is generally as stated by the Honourable Member, but departures occur (a) at times of stress and (b) in offices where the size of the sections makes it impracticable for the Superintendents to pass all cases from assistants. Similar exceptions to the general rule are permitted in the Director-General's office.

(b) Does not arise.

(c) The facts are not as stated in the first part of the Honourable Member's question. The second part does not arise.

DEALING OF REPRESENTATIONS AND APPEALS OF STAFF IN THE POSTS AND TELEGRAPHS DIRECTORATE.

949. *Khan Sahib Nawab Siddique Ali Khan : (a) Is it a fact that appeals and representations from the staff of the Posts and Telegraphs Directorate are dealt with by the Chief Superintendent ?

(b) Are Government aware that many such representations and appeals as referred to in part (a) above are not allowed by the Chief Superintendent to be diarised to avoid as far as possible their submission to higher officers ?

(c) If the replies to parts (a) and (b) be in the affirmative, are Government prepared to make suitable arrangements so that the Chief Superintendent cannot suppress any such representations and appeals ?

The Honourable Sir Frank Noyce : (a) Yes.

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(b) and (c). The matter is within the competence of the Director-General to whom a copy of this question and reply has been sent for suitable action.

RAISING OF PUBLIC LOANS BY CERTAIN FOREIGN MUNICIPALITIES AND GOVERNMENTS.

950. *Haji Chaudhury Muhammad Ismail Khan : (a) Are Government aware that, with the object of raising public loans, etc., Bonds are issued and sold to the public at large by certain foreign municipalities and Governments who guarantee that the money thus raised will be repaid, with or without premiums, by means of drawings which will be held periodically ?

(b) Are Government also aware that fairly large sums of money are invested by the Indian public in purchasing these Bonds through certain foreign companies dealing in stocks and shares ?

(c) Are Government aware that Messrs. Melville Glyn & Co. and Messrs. Bartlett & Co., Geneva, carried on their business of selling these Bonds in this country for a considerable time, and afterwards went into liquidation ?

(d) If so, are Government aware that the Indian purchasers of these Bonds find themselves handicapped in seeing that the obligations of the above mentioned companies are actually performed, e.g. :

- (i) to see that the Bonds will take part in all succeeding drawings until their numbers have been drawn either with premiums or at the very least for their par value ;
- (ii) to check the drawings on behalf of their clients and notify them whenever their Bonds were drawn ;
- (iii) to send to their clients their bulletins containing results of drawings in which they were interested ;
- (iv) to collect and remit to them the proceeds of all sums drawn by their Bonds without any charge for commission ; and
- (v) to collect and remit to them the proceeds of any interest coupons which might be sent to them for collection less the cost of remitting only ?

(e) Are Government prepared to arrange through the High Commissioner for India or any other suitable agency to help these people, whenever they ask for it, in knowing their position with regard to these Bonds, or in collecting the interest or even the Bond money itself ?

(f) If not, are Government prepared to enquire about the names and the addresses of the authorities who have issued the City of Brussels Bond, 1905 (particularly sold in India on a large scale) so that further correspondence on the subject should be carried on with them ?

(g) Are Government in a position to explain for the information of the general public whether :

- (i) these foreign bodies raise the public loans for a specific amount and then go on repaying off the same by means of the drawings, either with or without premiums, so that the

whole debt is assured to be cleared off within a certain period ; and

- (ii) the Bonds are perpetually on sale without any time limit and the tickets representing these Bonds are drawn out along with those representing the old Bonds in which case there is a likelihood of a Bond never to draw itself out with or without profits ?

(h) Do Government propose to stop the outflow of Indian money by making provision in the forthcoming Indian Companies Bill which will place restrictions on the activities of the foreign companies dealing in such speculative business ?

The Honourable Sir Henry Craik : (a) to (g). Government do not recognise the sale of premium bonds in India issued by foreign Municipalities and Governments. On the other hand they regard them as lotteries, the sale and advertisement of which are illegal. Any persons in India carrying on business in these bonds are liable to prosecution under section 294-A of the Indian Penal Code. Government have no reason to believe that large sums of money are invested by the Indian public in purchasing these bonds. But if any member of the public invests money in them he clearly does so at his own risk and Government cannot tender any advice or render any assistance in the matter.

(h) No.

IMPROVEMENT OF THE KALKA-SIMLA RAILWAY SERVICE.

951. *Mr. Sri Prakasa : (a) What is the approximate average daily earning by the railway on the Kalka-Simla line by the booking of passengers ?

(b) What was the earning on the days that there was a motor strike in August ?

(c) In view of the difference, if any, what steps do Government intend to take to improve the railway service by supplying adequate and more comfortable accommodation as well as accelerating the speed of the trains ?

The Honourable Sir Muhammad Zafrullah Khan : (a) On the basis of a week's figures prior to the motor strike in August last, the average daily earnings from passenger traffic is Rs. 561.

(b) For the four days of this strike, the average earnings per day were Rs. 1,275.

(c) The passenger accommodation provided on the Kalka-Simla section is adequate for whatever traffic may be offering and is as comfortable as it is possible to make it having due regard to what is practicable in narrow gauge passenger stock. The speed of trains on this section is, in view of the curves and gradients, the fastest permissible for safe working.

Pandit Lakshmi Kanta Maitra : In view of the diversion of traffic to road motor, do Government propose to give greater facilities in order to capture this traffic ?

The Honourable Sir Muhammad Zafrullah Khan : Unless the Honourable Member specifies what kinds of facilities he has in mind, I cannot give an answer.

Pandit Lakshmi Kanta Maitra : Larger number of trains, greater speed, better facilities for carrying luggage and all that. I am only speaking in the interests of the railways.

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member might have listened to my reply to part (c) of the question.

Prof. N. G. Ranga : In view of the fact that the rail motor covers this distance in a much shorter period, will Government consider the view of accelerating the speed of steam trains on this line ?

The Honourable Sir Muhammad Zafrullah Khan : The Government's view has nothing to do with this matter. It is on expert advice that the speed of the trains is fixed and the expert advice being that this is the speed which is permissible, I am afraid Government cannot take the risk of acting in defiance of expert advice.

Prof. N. G. Ranga : The rail motor covers the distance in much shorter period.

The Honourable Sir Muhammad Zafrullah Khan : Because it is not a train.

Mr. Sri Prakasa : Are Government aware that these trains stop for inordinately long periods at some stations ? Could not those periods be curtailed in order that the distance may be covered in much shorter time.

The Honourable Sir Muhammad Zafrullah Khan : I am not aware of any inordinate delay in the stoppage of trains ; but I will send the suggestion to the railway administration.

Pandit Lakshmi Kanta Maitra : It is really a matter whether the train can be permitted to run at a higher speed because there is a great difference between rail motor and railway train ?

The Honourable Sir Muhammad Zafrullah Khan : I hope the Honourable Member knows there is a difference between a rail motor and a train.

Pandit Lakshmi Kanta Maitra : Have Government applied their mind to the question of capturing the traffic which is being diverted to road motor ? If so, what steps do Government propose to take to see that the traffic is again captured by the railway ?

Mr. Sri Prakasa : Are Government aware that there is a very long stoppage at Tara Devi for police examination or some such thing, which is absolutely unnecessary ? Could not the railway administration see to it that this stoppage is not forced upon them by police authorities ?

The Honourable Sir Muhammad Zafrullah Khan : That is for the purpose of medical inspection and I do not think the stop could be curtailed.

WORKMEN'S TRAIN RUNNING FROM AND TO JAMALPUR ON THE EAST INDIAN RAILWAY.

952. ***Mr. Sri Prakasa :** (a) Has the attention of Government been drawn to the workmen's trains running from and to Jamalpur on the East Indian Railway ?

(b) Is it a fact that the compartments on these trains have no doors and that they are so overcrowded as to necessitate large numbers of persons sitting in the open doorway with their legs hanging outside the compartments ?

(c) Is it a fact that women and children also travel in such compartments ?

(d) Are Government prepared to issue order that these compartments be immediately fitted with proper doors ?

(e) Is it a fact that if any passenger, even inadvertently, boards this train, he has to pay double first class fares ?

The Honourable Sir Muhammad Zafrullah Khan (a) No.

(b) As a matter of convenience to the workmen themselves the compartments of these trains are without doors to facilitate entraining and detraining at points nearest to their villages.

The practice of sitting in the open doorways is due neither to overcrowding nor to the lack of doors. Some workmen are addicted to this habit.

(c) It is correct that unauthorised persons including the relatives of the workmen sometimes travel in these trains.

(d) No.

(e) Workmen's trains are provided for the exclusive use of *bona fide* workmen of the railway who possess special passes issued as authority for travelling in these trains. If an ordinary passenger boards the train without a ticket he becomes liable to the penalty which amounts to two first class fares.

Mr. Sri Prakasa : Has the Honourable Member assured himself that these men sit in the open doorways out of sheer habit or they do so really because there is overcrowding ?

The Honourable Sir Muhammad Zafrullah Khan : I have no reason to doubt the correctness of the information that has been supplied to me.

Mr. Sri Prakasa : Has the Honourable Member any reason to doubt the correctness of my own statement that these trains are overcrowded, because I have seen them myself ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir, but the Honourable Member's observation may have been at fault.

Pandit Lakshmi Kanta Maitra : What is the reason for Government not providing these trains with suitable doors ?

The Honourable Sir Muhammad Zafrullah Khan : The reason has been given by me in answer to the question.

Mr. Mohan Lal Saksena : Has the Honourable Member inquired about the number of workers who have to travel every day on this train ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. Mohan Lal Saksena : Will he inquire and find out ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. Sri Prakasa : For the sake of safety, will the Honourable Member oblige me and oblige those concerned by making a fresh inquiry on the subject because it is a fact,—he may take it from me,—that these men do not sit in the open doorways with a desire to commit suicide but because the trains are overcrowded ; and it is quite possible that the powers of observation of those whom he has trusted are more at fault than my own ?

The Honourable Sir Muhammad Zafrullah Khan : With regard to the officers who have supplied the information, the question does not depend upon powers of observation but upon their knowledge of the numbers expected to travel by these trains and the accommodation provided.

Mr. Mohan Lal Saksena : Will the Honourable Member find out the number of workers as well as the accommodation that is provided ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir. I have said that I have no reason to doubt the correctness of the information supplied to me.

CARRIAGE OF MAILS BETWEEN KALKA AND SIMLA ON MOTOR LORRIES.

953. ***Mr. Sri Prakasa :** Is it a fact that the mails between Kalka and Simla are carried on motor lorries ? If so, are these mails carried on contract, or have Government their own lorries ? If the former, what is the point in Government not utilising and patronizing their own railway ?

The Honourable Sir Frank Noyce : The reply to the first part of the question is that only a portion of the mails are conveyed from Kalka to Simla by motor vehicles travelling by road. Government do not own these vehicles. The service is worked on contract. As regards the last part of the question I may inform the Honourable Member that the object of utilising the motor service is to ensure the delivery in Simla of the mails from Northern India and the Western United Provinces much earlier than if they were carried by rail. Incidentally this also enables the public to reply to correspondence on the same day. Mails from all other parts of India are carried from Kalka to Simla in a rail motor and in mail vans attached to the two morning trains.

Mr. Sri Prakasa : In view of the fact that Government prefer to bring a portion of the mails by motor, why do not Government bring the whole of it by motor ? Why do they leave half of it to be brought by train ? Do not the same consideration apply to that portion of the mails brought by trains as apply to the particular portion that is brought by motor ?

The Honourable Sir Frank Noyce : No, Sir. The timings of the trains suit the larger portion of the mails and therefore they are brought

by train. To suit the public convenience, the smaller portion of the mail which arrives at a time which does not fit in with the departure of the trains and the rail motors is brought up to Simla by road motor.

Mr. M. S. Aney : May I ask whether the expenses which Government had to incur before the introduction of carriage of mails by motor lorries have now been reduced or increased ?

The Honourable Sir Frank Noyce : I must ask for notice of that question.

Mr. Sri Prakasa : Which method is more expensive, bringing the mail by motor or by rail ?

The Honourable Sir Frank Noyce : My Honourable friend has not included that in his question and I am sorry I cannot give him the information off-hand.

WANT OF AN INTERMEDIATE CLASS WAITING ROOM AT THE BENARES CANTONMENT RAILWAY STATION.

954. ***Mr. Sri Prakasa :** (a) Is it a fact that there is no intermediate class mens' waiting room at the Benares Cantonment Railway Station on the East Indian Railway, and that there is no possibility of one being erected in the near future ?

(b) Is it a fact that owing to an extra room being required by the railway for other purposes, first and second class lady passengers have now a common waiting room, while there are separate first and second class waiting rooms for male passengers ?

(c) Do Government propose to advise the railway authorities concerned to give a common room for first and second class male passengers also, and convert the room thus saved into an intermediate class waiting room ?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member is referred to the reply given to his starred question No. 236 on the 9th September, 1936.

Mr. Sri Prakasa : In reply to that question the Honourable Member said that he was sending down the suggestion to the railway authorities. May I know if any reply has been received from the railway authorities ?

The Honourable Sir Muhammad Zafrullah Khan : I have no information. If the Honourable Member would give me notice of that I shall try to discover it, but I can assure him that his suggestion must have been sent down or will be sent down.

Mr. Mohan Lal Saksena : In the meantime will the Honourable Member ask the railway authorities to allow intermediate class passengers to use the second class waiting room ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. Mohan Lal Saksena : Why not ?

The Honourable Sir Muhammad Zafrullah Khan : For the reason that it is a second class waiting room.

Mr. N. M. Joshi : May I ask whether the Government of India will place this question of the utilisation of waiting rooms, for intermediate, third class and second class passengers before the Central Advisory Committee for their advice ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir, because after all higher class passengers' waiting rooms cannot be allowed to be utilised by third class and intermediate class passengers, and there is no need to ask the advice of the Central Advisory Council on the matter.

Mr. N. M. Joshi : May I ask whether Government will consider the question of making some economy and get larger revenues by seeing that third class and intermediate class passengers are treated better and money is not wasted on second class and first class passengers ?

The Honourable Sir Muhammad Zafrullah Khan : That is a very large question.

Mr. Sri Prakasa : May I take it that the Honourable Member has changed his opinion since he last gave an answer to a similar question ; because he then said that he was sending down the suggestion to the Railway that the second class waiting room may be utilised by intermediate class passengers ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir. The suggestion was that there might be a combined upper class waiting room and the other waiting room may be converted into an intermediate class passengers' waiting room. I said I would put the suggestion to the Agent of the Railway. The last question that I have answered is whether as a general matter the question of the use of the higher class passengers' waiting rooms by lower class passengers will not be placed for their advice before the Central Advisory Council. I do not see that there is any contradiction.

Mr. Sri Prakasa : May I refer the Honourable Member to a supplementary question of Mr. Giri in the Delhi Session when the Honourable Member did say that he will send down to the railway authorities the suggestion that until an intermediate class waiting room is separately constructed, the second class waiting room may be allowed to be used by intermediate class passengers ?

The Honourable Sir Muhammad Zafrullah Khan : At Benares ?

Mr. Sri Prakasa : Yes, Sir.

The Honourable Sir Muhammad Zafrullah Khan : If I said so, I must have sent down the suggestion.

Mr. N. M. Joshi : May I ask whether Government will place before the Central Advisory Council the whole question of the policy regarding provision of waiting rooms at railway stations ?

The Honourable Sir Muhammad Zafrullah Khan : It is for the Central Advisory Council to raise that question.

Mr. Mohan Lal Saksena : Is it not a fact that at certain stations first and second class passengers have one combined waiting room ?

Mr. President (The Honourable Sir Abdur Rahim) : That does not arise ; it is a matter of argument.

TRANSHIPMENT OF POSTAL ARTICLES FROM CITIES IN BIHAR CONNECTED WITH THE BENGAL AND NORTH WESTERN RAILWAY.

955. ***Mr. Sri Prakasa :** (a) Is it a fact that postal articles from cities in Bihar connected with the Bengal and North Western Railway are transhipped at the first convenient junction station to the East Indian Railway ?

(b) Is it a fact that this system delays letters and other articles between cities, both of which are only connected with the Bengal and North Western Railway, for example, letters between Begu Sarai and Gorakhpur, owing to detention at Barauni for transhipment to Mokameh on the East Indian Railway ?

The Honourable Sir Frank Noyce : (a) The position is not exactly as stated by the Honourable Member. Mails from towns in North Bihar situated on the Bengal and North Western Railway are dealt with as far as is possible by the mail offices situated at railway stations at Barauni, Darbhanga, Samastipur, Muzaffarpur, Chapra and Sonapur all on the Bengal and North Western Railway. Mails which cannot conveniently be disposed of by these offices are sent on to certain railway mail service offices situated on the East Indian Railway for further disposal.

(b) The existing arrangements are intended to secure the quickest possible disposal of the mails consistently with economy, but I am sending a copy of the Honourable Member's question to the Postmaster-General, Bihar and Orissa Circle, for such action as he may consider suitable.

DELAY IN THE SUPPLY OF GOVERNMENT OF INDIA PUBLICATIONS TO THE PUBLIC.

956. ***Pandit Sri Krishna Dutta Paliwal :** (a) Will Government please state if they are aware that difficulties have been experienced by the public in getting a prompt supply of Government of India publications either direct from their office or through their agents ?

(b) If so, what steps, if any, do Government propose to take to remove these difficulties ?

(c) Do Government intend to maintain a few copies of their important publications with their agents, irrespective of the orders for them ? If so, when ? If not, why not ?

(d) Is it a fact that a letter dated, Cawnpore, the 2nd July, 1936, was replied to by the Central Publication Branch, Delhi on the 11th August, 1936, (re No. 11/1136 A.O.G.) ? If so, what was the cause of this delay in reply ?

(e) Is it also a fact that a copy of the Factories Act ordered on the 28th June by the Merchants' Chamber of the United Provinces, Cawnpore was supplied on the 18th of September ?

(f) Was the Merchants' Chamber concerned informed whether the book will be supplied or not ? If so, when ? If not, why not ?

(g) Is it a fact that the copy of the book was available in the first week of September ? If so, will Government please state why it was supplied in the third week ?

The Honourable Sir Frank Noyce : (a) to (c). Complaints regarding delay in the supply of publications by the Central Publication Branch have been received from time to time and with a view to a more expeditious disposal of indents, Government have recently sanctioned an increase in the staff of the Central Publication Branch. As regards agents, the complaint has been that they do not stock all Government publications. Under the existing agency terms, the agents obtain Government publications on payment and they cannot be compelled to stock books beyond the actual demands anticipated by them. Important publications are usually stocked by agents and Government do not consider that any further action is called for.

(d) I presume the Honourable Member refers to the letter from the Secretary, Merchants' Chamber of the United Provinces, Cawnpore, which was received by the Central Publication Branch on the 8th July, 1936. In this letter a complaint was made regarding delay by the Central Publication Branch in complying with indents for publications sent during the previous year. Some time was required for investigation into the cause of delay and a reply to the letter was sent on the 4th August, 1936.

(e) Yes. The complaint regarding delay in the supply of the Factories Act in 1935 was included in the letter from the Secretary, Merchants' Chamber, referred to in part (d) and it was explained that the delay was due to copies being out of stock.

(f) and (g). The Merchants' Chamber was not informed of the probable date of supply. The clerk responsible for this omission and for the delay in supply has been suitably dealt with.

Prof. N. G. Ranga : In view of the fact that even the Madras Government Publication Branch does not keep some of the most popular and important publications of the Government of India, will Government consider the advisability of adopting the suggestion made in part (c) of this question ?

The Honourable Sir Frank Noyce : No. I hardly think that Government can be expected to stock copies of important publications with their agents unless the Agents definitely ask for them. It would not be a business proposition.

Prof. N. G. Ranga : Is it not a fact that these various provincial publication branches are expected to co-operate with the Central Publication Branch ?

The Honourable Sir Frank Noyce : I am not sure what the relations between the two branches are. Is it my Honourable friend's suggestion that the Madras Government Publication Branch should stock copies of the Government of India publications ?

Prof. N. G. Ranga : Yes.

The Honourable Sir Frank Noyce : I shall be glad to examine that suggestion.

Mr. Mohan Lal Saksena : As regards part (d) of the question, am I to understand that the practice of the Central Publication Branch is

not to acknowledge letters and say that they are receiving attention, as is done in other departments ?

The Honourable Sir Frank Noyce : Apparently what happened in this case was that a letter was received on the 8th July and a reply to it was not sent until the 4th August. I regret that that should have been the case, but I imagine that what happened was that it was hoped that it would be possible to send a reply earlier. I have already explained in my reply to parts (f) and (g) that the clerk responsible for the omission has been suitably dealt with.

Mr. Mohan Lal Saksena : Will the Honourable Member issue instructions that pending inquiries, acknowledgments at least should be made of the receipt of letters ?

The Honourable Sir Frank Noyce : I hardly think that it is my business to see to this matter personally, but I will certainly pass on the suggestion to the head of the department concerned.

Mr. N. M. Joshi : May I ask in view of the fact that these complaints have been going on for several years, whether the Honourable Member will consider the advisability of punishing and suitably dealing, not with the clerk but with the officer in charge ?

The Honourable Sir Frank Noyce : The answer to my Honourable friend's question is that I am aware that there have been delays in the Central Publication Branch and that the question of improving its efficiency has engaged my attention during the whole time I have been in charge of this department. I think that matters are now considerably better than they were ; and as one of my Honourable friends opposite, who is not listening to me at the moment, happens to be personally aware, we are continually doing our best to prevent complaints of this sort.

NON-APPLICABILITY OF THE CHILD MARRIAGE RESTRAINT ACT TO NON-REGULATED PROVINCES, ADMINISTERED AREAS AND CANTONMENTS.

957. ***Pandit Sri Krishna Dutta Paliwal :** (a) Will Government please state in which of the non-regulated provinces, administered areas and Cantonments the Sarda Act is not yet applied ?

(b) Do Government intend to apply the Act in those areas ? If so, when ?

Sir Aubrey Metcalfe : With regard to (a), I would refer the Honourable Member to the statement which was laid on the table on the 20th September, 1935, with reference to the reply given to question No. 543. Some of these areas have since been retroceded to Indian States and an amended statement is herewith laid on the table. As regards part (b), I invite the attention of the Honourable Member to the reply given by me on the 20th March, 1936, to his starred question No. 1372. The position has not undergone any change since that answer was given.

Statement.

Western India States Agency	..	Rajkot Civil Station. Wadhwan Civil Station. Sadra Bazar.
Central India Agency	..	Mhow Cantonment. Neemuch Cantonment. Bhopal Agency Area. Civil lines of Nowgong.
Gwalior Residency ..	..	Gwalior Residency area.
Rajputana Agency ..	..	Abu.
Kolhapur Residency	..	Kolhapur Residency area.
Assam ..	..	British Reserve in Manipur. Shillong (Rifle Range Cantonment).

Prof. N. G. Ranga : What steps are being taken to prevent the evasion of the Sarda Act by people going to these areas to which the Act has not been extended and trying to evade the Act ?

Sir Aubrey Metcalfe : I should have to have notice of that question and also of details of cases of the kind which the Honourable Member quotes.

NON-APPLICABILITY OF THE CHILD MARRIAGE RESTRAINT ACT TO CANTONMENTS IN CENTRAL INDIA.

958. ***Pandit Sri Krishna Dutta Paliwal :** (a) Is it a fact that the Sarda Act is not applied in the Central Indian Cantonments ?

(b) Will Government please state the reason or reasons for not applying the Sarda Act in the above Cantonment areas ?

Sir Aubrey Metcalfe : I would refer the Honourable Member to the reply given on the 25th September, 1936, to question No. 617. The position has not undergone any change since that answer was given.

INTERVIEW OF CANDIDATES FOR CERTAIN POSTS IN THE BROADCASTING DEPARTMENT.

959. ***Pandit Sri Krishna Dutta Paliwal :** (a) Is it a fact that nearly 200 young men were called to Delhi for interview from 27th to 29th July this year, in order to select candidates for the posts, both on the programme as well as the technical side of the Broadcasting Department of the Government of India ?

(b) Is it a fact that many of these youngmen came from distant parts like Bangalore and Calcutta ?

(c) Is it a fact that the candidates for the technical side were not interviewed at all ?

(d) Were these candidates, about a hundred in number, informed that they were called by a mistake ?

(e) Were they promised that they would be called in two months' time again ?

(f) If the answer to parts (d) and (e) be in the affirmative, will Government please state who was responsible for the mistake ? And was that promise fulfilled ?

The Honourable Sir Frank Noyce : (a) Approximately 200 candidates were called for interview by a Selection Board which, however, had been constituted to make selections for programme and not for technical posts.

(b) Some of them came from distant places.

(c) They appeared before the Selection Board, but were not considered further when they stated that they wanted technical and not programme posts.

(d) Yes, but their number was only eight.

(e) No, they were told that their applications would be considered as vacancies occurred in technical posts.

(f) The mistake occurred because some of the Vice-Chancellors of Universities who had been asked to nominate suitable candidates for interview both for programme and technical posts, failed to indicate clearly for which category certain candidates were recommended and in some cases recommended for programme posts candidates who wanted technical posts. The last part of this part of the question does not arise in view of my reply to part (e).

Prof. N. G. Ranga : Were these candidates who were disappointed owing to this particular mistake given at least third class fare to go back to their homes ?

The Honourable Sir Frank Noyce : No, because the mistake was not due to any action on the part of the Government.

Mr. Mohan Lal Saksena : Was the attention of the Vice-Chancellors or persons who had recommended these candidates drawn to this mistake ?

The Honourable Sir Frank Noyce : I do not think we have corresponded with them on the subject. A mistake was made and it is not much use following it up. On the next occasion, should similar circumstances arise, we shall certainly ask the Vice-Chancellors to be more careful. I may add for the information of the House that the Chief Engineer for Broadcasting who is shortly undertaking a tour has been specially asked to interview these candidates at the nearest station to their homes in order to see whether any of them are suitable for technical posts.

Dr. Ziauddin Ahmad : Are Government aware that some bogus telegrams were sent to the students at the Aligarh University purporting that the interview was postponed and asking them not to come ?

The Honourable Sir Frank Noyce : My Honourable friend has had some correspondence with me on that subject : I hardly think that it arises out of this question.

Qazi Muhammad Ahmad Kazmi : What was the number of these vacancies for which these 200 candidates were called ?

The Honourable Sir Frank Noyce : I cannot remember off-hand : I should have to have notice of that question.

Sir Muhammad Yakub : May I know whether the candidates recommended by the selection committee were taken or whether the recommendations of the selection committee were brushed aside and other candidates who were not recommended were taken ?

The Honourable Sir Frank Noyce : I should require notice of that question. I cannot say off-hand. I know that the recommendations of the selection committee were accepted in the main : but whether they were accepted in their entirety or not I am unable to say without notice.

REWARDS GIVEN TO INDIAN SOLDIERS FOR MERITORIOUS SERVICES IN ADDIS ABABA.

960. ***Sardar Mangal Singh :** Will Government be pleased to state what rewards have been given to the Indian officers and men who rendered meritorious services at the time of Italian occupation of Addis Ababa ?

Mr. G. R. F. Tottenham : The attention of the Honourable Member is invited to the reply I gave to starred question No. 435 on the 16th September, 1936.

Sardar Mangal Singh : May I know why there has been such abnormal delay in this matter ?

Mr. G. R. F. Tottenham : I do not admit that there has been any abnormal delay.

Sardar Mangal Singh : May I know from which treasury these rewards will be given ? From the Indian treasury or the British treasury ?

Mr. G. R. F. Tottenham : I do not think there is any question of money rewards.

REPAIRS TO FEEDER ROADS CONNECTING THE RAILWAY STATIONS.

961. ***Mr. K. Ahmed :** (a) Are Government aware that according to the Mitchell-Kirkness Report, 1933, feeder roads connecting the railway stations are to be repaired and kept in good condition with a view to enabling the passenger-public to travel and the goods to be carried to the railway stations from different places and vice versa ?

(b) Are Government aware that since my starred question No. 46 of the 10th January, 1922, was put in the Assembly, the passengers, the public, the consignors and consignees of goods from the said station are suffering a great deal of inconvenience, owing to the condition of the road from Malda town to the railway station on the Eastern Bengal Railway line, a distance of a mile and a half ?

(c) Are Government prepared to state the extent of the goods, including mangoes, paddy, jute, corn and varieties of products taken together throughout the District, which are transported to and from the District by railways, explaining in full particulars separately as to the varieties and quantities of each ?

(d) Have Government considered that the railway income would increase a great deal if the condition of the road between Malda town and the Malda railway station is improved and the river Mahanada is bridged ? Is it a fact that after my questions were put in 1922 and 1923, no steps were taken in the matter ?

(e) Are Government prepared to consider a similar improvement of the feeder roads of the Chapai-Nawabganj railway station of the same line for increasing the income of the railway and for the benefit of the passenger-public, the consignors and the consignees ?

(f) Is it a fact that the Mitchell-Kirkness Report, 1933, Appendix VII, at pages 60 and 61, refers to the railway stations of the same line at Harishchandrapur, Samsi, Eklakhi, Nimaserai, Rohanpur, Nacheul and Godagari, mentioned in the list of feeder roads which the Eastern Bengal Railway suggested should be improved, and are Government aware that these are still being neglected, no repairs are done to them, and no bridge and culverts have been constructed ?

(g) Do Government propose to make enquiries about the full particulars of the goods, etc., imported and exported and the number of passengers which may be increased if the facilities are given to all the railway stations stated above and the feeder roads are repaired and kept in good condition for the passenger-public to travel and place the report on the table explaining the full particulars on the floor of the House ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) No specific complaints are traceable, but Government have no doubt that a road in a very bad state of repair would be a source of inconvenience.

(c) and (g). Government regret that the time and expenditure entailed in collecting the information asked for are not commensurate with the results to be achieved.

(d) Whether the improvement of the road communication between Malda town and the station would result in an increase of railway earnings is a matter of opinion, but I would point out to the Honourable Member that neither the improvement of the road nor the building of the bridge over the Mahanada is the concern of the Railway Department.

(e) and (f). This responsibility devolves on the Local Government and local bodies concerned, in so far as feeder roads outside railway premises are concerned.

Mr. K. Ahmed : Is it not a fact that in the Kirkness-Mitchell report it is stated that Government will take up all these matters to give facilities to the passengers and the public and at the same time to get the assets and the profits increased, and with that end in view the Kirkness-Mitchell Committee was formed. May I know if the writings in the report are a dead letter ?

The Honourable Sir Muhammad Zafrullah Khan : Government, so far as this Department is concerned, would be very happy to see this communication improved, but, as I have pointed out, it is a matter for the Local Government and the local authorities.

Mr. K. Ahmed : Is it a matter for the Local Government? Is it not for the benefit of the Government of India and the Railway Department to take action in the matter?

The Honourable Sir Muhammad Zafrullah Khan : The Railway Department are responsible for feeder roads only to the extent that they lie within railway premises.

Mr. Mohan Lal Saksena : With reference to the answer to part (b) of the question, am I to understand that the inconvenience has increased since the question of the Honourable Member in 1922?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I am not able to follow.

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

ANTI-INDIAN AGITATION IN CEYLON.

962. ***Mr. Samuel Aaron :** Will Government be pleased to state whether any report has been received from Ceylon regarding *anti-Indian* agitation carried on there?

Sir Girja Shankar Bajpai : Attention of the Honourable Member is invited to the reply given by me to the supplementaries to Mr. S. Satyamurti's question No. 156 on the 7th September, 1936.

PROTECTION OF THE INTERESTS OF MALAYALEES IN CEYLON.

963. ***Mr. Samuel Aaron :** Will Government be pleased to state :

(a) whether they have perused the statement published by Mr. A. E. Goonesinghe in the *Ceylon Observer*, dated the 7th April, 1936; and

(b) what steps have been taken by them to safeguard and protect the rights and interests of the Malayalees in the Island?

Sir Girja Shankar Bajpai : (a) No, Sir.

(b) Attention of the Honourable Member is invited to the reply given by me to the supplementaries to Mr. Satyamurti's question No. 156 on the 7th September, 1936.

REPRESENTATION OF INDIANS IN CEYLON ON THE IMMIGRATION COMMISSION.

964. ***Mr. Samuel Aaron :** Will Government be pleased to state :

(a) whether they are aware that an Immigration Commission will soon be appointed in Ceylon;

(b) whether any steps have been taken by them to get representation for Indians in Ceylon on the Commission, and if so, what they are; and

(c) what steps have been taken to submit satisfactorily and effectively the case of Indian labourers, both estate and urban, before the Commission?

Sir Girja Shankar Bajpai : Attention of the Honourable Member is invited to the reply given by me to Mr. Satyamurti's question No. 873 of the current Session.

ANTI-INDIAN AND ANTI-MALAYALEES AGITATION IN CEYLON.

965. ***Mr. Samuel Aaron :** Will Government be pleased to state :

(a) whether they have perused the editorials published in the *Times of Ceylon*, dated 9th April, 1936, 13th June, 1936 and 3rd August, 1936, under the captions "A Short-sighted Agitation", "The Multiplication of Misfits", and "Problems of Immigration", in which references have been made to the *anti-Indian*, especially *anti-Malayalees*, agitation;

(b) whether Indians in Ceylon do not form an important minority community in the Island; and

(c) whether they have taken any steps to secure due representation to them in the State Council, as they have protected the rights and interests of the minorities in India, and if so, what are they?

Sir Girja Shankar Bajpai : (a) Yes, except the first mentioned.

(b) Indians in Ceylon number 775,000 out of a total population of 5,617,000 and form an important minority community.

(c) Elections to the Ceylon State Council are not conducted on communal lines. I may add for the information of the Honourable Member that there are two elected and one nominated Indian members of the Council.

IMPROVEMENT OF THE SANITATION OF VILLAGES IN THE DELHI PROVINCE.

966. ***Mr. M. Asaf Ali :** (a) Are Government aware that the villages of Delhi Province suffer from (i) increasing congestion in residential areas, (ii) contaminated water of tanks and wells, (iii) lack of separate bathing and washing ghats, and drainage, and (iv) unregulated location of *Nohras*, *Gatwars* and *Kuris* (dung-heaps)?

(b) Are Government aware that the agricultural needs of the increasing population have resulted in the reduction of village commons (grazing grounds)?

(c) What steps have Government taken or propose to take to remedy these conditions? And what proportion of the revenue realised from rural area is annually allocated to measures intended to meet these evils?

(d) Have Government taken any steps to encourage internal colonisation to relieve the pressure on agricultural land and rural residential area by offering tempting conditions of colonisation in areas where culturable land is available?

Sir Girja Shankar Bajpai : (a) (i). No.

(ii), (iii) and (iv). Yes.

(b) In certain cases common lands in excess of village requirements have been brought under cultivation.

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(c) Out of the Government grant for rural reconstruction in Delhi Province a substantial portion is being spent on the improvement of village drinking wells and on village remodelling. In a few selected villages efforts have been made to locate dungheaps in suitable positions. The allotment for rural improvement varies from year to year and, therefore, no uniform proportion exists between such expenditure and the revenue derived from the rural area.

(d) There are no such areas available in the Delhi Province and this part of the question does not, therefore, arise.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

967. *Pandit Krishna Kant Malaviya : (a) With reference to the reply given to unstarred question No. 248, dated the 9th March, 1936, will Government please state whether any case of disability military pension has yet been assessed according to Government's reply to starred question No. 592 B, items D to I of the 4th September, 1933 ?

(b) Has any case of disability military pension yet been assessed according to Government's reply to starred question No. 1182 (a), dated the 27th November, 1933 ?

(c) Has any case of disability military pension yet been assessed according to Government's final reply to starred question No. 331 of 2nd March, 1934, given on the 31st August, 1934 ?

(d) Is it a fact that when giving the final reply to starred question No. 331 of 2nd March, 1934, Government clearly and distinctly admitted wrong assessment of disability pension cases for diseases and ordered the re-assessment and re-adjustment of such cases ?

(e) Will Government please state whether all the re-assessments and re-adjustments ordered have since been done ? If not, how many cases have been done and how many rejected ?

(f) Is it a fact that all the cases ordered for re-assessment and re-adjustment have been turned down without giving any reasons for the same in accordance with item No. 3 of I. A. O. No. 560 of September, 1933 ?

(g) Will Government please state full reasons for rejecting all the cases which they themselves ordered for re-assessment and re-adjustment in consequence of their final reply to question No. 331 of 2nd March, 1934, given on 31st August, 1934 ?

Mr. G. R. F. Tottenham : I would refer the Honourable Member to the reply given to Seth Haji Abdoola Haroon's unstarred questions Nos. 25, 26 and 27 on the 15th September, 1936.

RATES FOR THE SALE OF ICE AND AERATED WATERS ON THE EAST INDIAN AND NORTH WESTERN RAILWAYS.

968. *Mr. H. M. Abdullah : (a) Will Government be pleased to state the rates for sale of ice and aerated waters in trains and on the station platforms over the two State-managed Railways, namely, the North Western Railway and the East Indian Railway ?

(b) Are Government aware that 90 per cent. of the material, chemicals, and bottles, etc., used in the manufacturing of aerated and mineral waters of superior quality are all imported, and that the cost of the manufacture of aerated waters at the coast stations is much less than the cost at the stations situated a thousand miles away from the coast stations due to the extra railway freight, breakage, wastage in the transit, and other expenses ?

(c) If the reply to part (b) be in the affirmative, will Government be pleased to state the reasons for the higher charges on the East Indian Railway when compared with the charges on the North Western Railway ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (c). I would refer the Honourable Member to the reply I gave to parts (d) to (f) of Qazi Muhammad Ahmad Kazmi's question No. 545 on the 22nd September, 1936.

(b) Government are not so aware.

Qazi Muhammad Ahmad Kazmi : So far as I remember, the reason why the rates on the E. I. Railway were higher than on the N. W. Railway was not specifically dealt with in that question, and especially in view of part (b) of the question.

The Honourable Sir Muhammad Zafrullah Khan : Has the Honourable Member considered the reply I have given to part (b) of the question ?

Dr. Ziauddin Ahmad : In view of the fact that we have been drawing the attention of the Government to the high charges and in view of the Government's promise to consider this matter in the Central Advisory Council, may I know whether that Council considered the question of rates ?

The Honourable Sir Muhammad Zafrullah Khan : Yes.

Dr. Ziauddin Ahmad : And what is the result ?

The Honourable Sir Muhammad Zafrullah Khan : The result is that they have made certain recommendations. The meeting took place only the other day, and their recommendations after consideration will be sent down to the different railway administrations.

Qazi Muhammad Ahmad Kazmi : Have they made a recommendation in favour of reduction of rates or not ?

The Honourable Sir Muhammad Zafrullah Khan : They have made certain recommendations. These will be considered by the Department and then suggestions will be made on the basis of that to the different railway administrations.

TENDERS FOR THE SALE OF ICE AND AERATED WATERS ON THE EAST INDIAN RAILWAY.

969. *Mr. H. M. Abdullah : (a) Will Government be pleased to state the year when the last tenders for the sale of ice and aerated waters over the East Indian Railway were formally invited ?

(b) Is it a fact that the tender of Messrs. The Carlsbad Mineral Water Manufacturing Company, Ltd., of 14 Watkins Road, Howrah, the

present contractor, was accepted at the prevalent rates when these tenders were invited ?

(c) Is it a fact that when these tenders were invited, other firms of high reputation in the manufacture of aerated waters from Calcutta and *mufassil* also submitted their tenders offering much lower rates ?

(d) If the reply to part (c) be in the affirmative, will Government be pleased to state the reasons for the rejection of these tenders, and the acceptance of that of Carlsbad Company, Ltd., at much higher rates ?

(e) Will Government please state the number of years for which this contract is being held by Messrs. Carlsbad Mineral Water Manufacturing Company, Ltd., Howrah ?

(f) Will Government be pleased to state if any revenue is earned by the East Indian Railway in lieu of the grant of this concession and the benefit derived by Messrs. Carlsbad Mineral Water Manufacturing Company, Ltd., Howrah ?

(g) If the answer to part (f) be in the negative, will Government be pleased to give the reasons for this ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Applications were invited in 1931.

(b) Yes.

(c) Lower rates were quoted by some firms.

(d) The Agent states that the resources of all applicants were inspected and that the Carlsbad Company was selected as being the most up-to-date and best able to satisfactorily carry out the terms of the contract.

(e) Since 1923.

(f) No.

(g) It has not so far been the policy of the Railway Administration to demand a fee or other payment for a contract of this nature.

Mr. Mohan Lal Saksena : Is this firm an European firm ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I cannot say without notice.

Mr. Mohan Lal Saksena : What is the consideration for this contract given to this company ?

The Honourable Sir Muhammad Zafrullah Khan : I have stated in reply to part (g) of the question that railway administrations do not levy a fee or other payment for a contract of this nature.

Pandit Lakshmi Kanta Maitra : Is it a fact that the quotations of Carlsbad Company were higher than those of other companies ?

The Honourable Sir Muhammad Zafrullah Khan : I have answered that in reply to part (c).

Qazi Muhammad Ahmad Kazmi : May I know if any tenders have been called for since 1931 ?

The Honourable Sir Muhammad Zafrullah Khan : I should require notice of that question.

Dr. Ziauddin Ahmad : May I know what is the answer to part (c) of the question ?

The Honourable Sir Muhammad Zafrullah Khan : Lower rates were quoted by some firms.

Pandit Lakshmi Kanta Maitra : The tenders were called for for the last time in 1931 ?

The Honourable Sir Muhammad Zafrullah Khan : Applications were invited in 1931.

Pandit Lakshmi Kanta Maitra : Has any fresh tender been called for since then ?

The Honourable Sir Muhammad Zafrullah Khan : I have said that I would require notice of that question.

Mr. Mohan Lal Saksena : Have not prices fallen since 1931 ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I cannot say whether there has or has not been a variation in the prices of these articles.

Pandit Lakshmi Kanta Maitra : In calling for these tenders, may I know if it is properly advertised in the newspapers ?

The Honourable Sir Muhammad Zafrullah Khan : I would find that out if I have notice of that question.

Dr. Ziauddin Ahmad : The rates charged by this particular company is Rs. 1-8-0 per dozen soda water bottles, while the bazaar rate is six annas, and we are required to pay four times as much as the Bazaar rate.

The Honourable Sir Muhammad Zafrullah Khan : I am not so aware.

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

INVESTIGATION TO FIND OUT THE COST OF CULTIVATION OF CROPS.

970. ***Mr. H. M. Abdullah :** Will Government be pleased to state :

(a) whether the Agricultural Research Council, jointly with the Indian Central Cotton Committee, has for the last three years or so been carrying on investigation to find out the cost of cultivation of various crops ;

(b) which are the crops included in the scheme and at which stations in the Punjab are these investigations being carried on regarding each of them ;

(c) whether cotton, sugarcane and wheat are included in them ;

(d) for how many years the data from which results are to be deduced, has been complete ;

(e) what is the approximate cost of cultivation in rupees per maund of cotton, sugarcane and wheat for first, second and third year for which information has been collected ;

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- (f) how long these investigations are to continue ; and
(g) when the results of the report are to be published ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) and (c). A statement is laid on the table.

(d) For 1933-34 and 1934-35.

(e) It is not yet possible to state the approximate cost of cultivation as the data are still being checked and compiled.

(f) Till the end of September, 1936, except in Bihar and Bengal where the enquiry will last till June, 1937.

(g) The attention of the Honourable Member is invited to the answers given to starred question No. 711 by Professor N. G. Ranga and the supplementaries thereto during the Delhi Session, 1936.

Statement showing the crops included in the scheme and the stations in the Punjab at which the scheme for investigation into the cost of growing of various crops financed by the Imperial Council of Agricultural Research and the Indian Central Cotton Committee is being carried on.

All the crops grown in the selected holdings are included in the enquiry. The chief crops are cotton, wheat, sugarcane, maize, gram, fodder crops, etc.

The following are the centres selected in the Punjab, viz. :

Name of centre.	District.
1. Chubeki	Jullundur.
2. Sargondi	
3. Kalla Bakra	
4. Jabbowal	
5. Hussainpur	
6. Mehli	
1. Chak 197 R. B.	Lyallpur.
2. Chak 248 R. B.	
3. Chak 67 G. B.	
4. Chak 448 G. B.	
5. Chak 364 J. B.	
6. Chak 327 J. B.	
1. Bidhipur	Gurdaspur.
2. Japolota	
3. Khojapur	
4. Sarwali	
5. Sarman Lahri	
6. Kahlwan	

Pandit Lakshmi Kanta Maitra : With regard to the answer to part (e) of the question, may I know from the Honourable Member if the data when collected will be laid on the table of the House ?

Sir Girja Shankar Bajpai : I cannot say. The Council will first consider the result and I assume that in due course their conclusions together with the data will be made available to the public.

Prof. N. G. Ranga : May I know in which year these investigations will be over ?

Sir Girja Shankar Bajpai : The Honourable Member seems to have forgotten that I told him last March, 'September 1936.'

Mr. M. Ananthasayanam Ayyangar : May I know with respect to any of these crops, cotton, sugar or wheat, if any results have been arrived at ?

Sir Girja Shankar Bajpai : Investigations were to extend for three years and only at the end of three years conclusions could be reached, and the three years expired for most of these crops in September, 1936.

ABOLITION OF POSTS OF INSPECTORS IN THE CREW SYSTEM ON THE EAST INDIAN RAILWAY.

971. ***Pandit Krishna Kant Malaviya :** (a) Is it a fact that an affidavit was made by the Secretary of State for India in Council and sworn in on their behalf by the Deputy Agent, East Indian Railway in the Court of the Additional Subordinate Judge at Lucknow in the Civil Suit No. 79 of 1933 ? If so, did the affidavit in clause 16 admit that the crew system was to be abolished ?

(b) If the reply to part (a) be in the affirmative will the Honourable Member for Commerce and Railways please state :

- the number of posts of Inspectors in the crew system which were ordered to be abolished ;
- the date of abolition of those posts ;
- the scales of pay of those abolished posts ;
- the names of those Inspectors who were discharged from the service on abolition of those posts with date of discharge and length of service of each such Inspector ; and
- whether the holders of those posts held any substantive post under the Railway Administration, if so, in what capacity and on what scales of pay ?

The Honourable Sir Muhammad Zafrullah Khan : I am collecting information and will lay a reply on the table of the House in due course.

STAFF ON THE EAST INDIAN RAILWAY EMPLOYED ON POSTS OTHER THAN THOSE AGAINST WHICH THEIR PAY IS CHARGED.

972. ***Pandit Krishna Kant Malaviya :** Will Government please lay on the table a statement showing the number of staff on the East Indian Railway employed on posts other than those against which their pay is charged, as referred to in the report of the Supervisor of Railway Labour for the year 1934-35 ?

The Honourable Sir Muhammad Zafrullah Khan : The report of the Supervisor of Railway Labour for 1934-35 does not deal with the irregular employment of staff on posts other than those to which their pay is charged.

Mr. President : (The Honourable Sir Abdur Rahim) : I should like to point out to the Honourable Member that where the answer to a question consists only of a statement containing figures there is no reason why an oral answer should be required to take up the time of the House. Questions of that character ought to be unstarred.

UNIFORMITY IN RULES FOR PAY, ALLOWANCES, APPEALS AND SENIORITY ON STATE RAILWAYS.

973. ***Pandit Krishna Kant Malaviya :** Will the Honourable Member for Commerce and Railways please state whether the policy of Railway Administrations in respect of the rules for pay, allowances, appeals and seniority, are uniform on all State Railways, or at variance ?

The Honourable Sir Muhammad Zafrullah Khan : In respect of the more important conditions of service where Government consider uniformity desirable, they have laid down rules to govern all State-managed Railways. These are supplemented where necessary by rules framed by each Railway Administration for itself.

Prof. N. G. Ranga : Is it not a fact that the Railway Code is being prepared in which all these rules about pay and allowances are embodied ?

The Honourable Sir Muhammad Zafrullah Khan : I am unable to say without notice.

RULES GOVERNING THE ADVANCEMENT OF PAY OF NON-GAZETTED STAFF ON STATE RAILWAYS.

974. ***Pandit Krishna Kant Malaviya :** Will the Honourable Member for Commerce and Railways please lay on the table of this House a copy of the rules governing the advancement of pay in time scales or by grades of the non-gazetted staff on State Railways ?

The Honourable Sir Muhammad Zafrullah Khan : The non-gazetted staff on the State-managed Railways other than staff who have come over from late Company management are governed by the Fundamental Rules. The *ex-Company* staff are governed by the Company's rules which were in force just prior to the assumption of management by Government. Copies of all these rules are in the Library of the House.

NON-SANCTION OF GRADE ADVANCEMENT TO THE STAFF ON THE EAST INDIAN RAILWAY.

975. ***Pandit Krishna Kant Malaviya :** Will the Honourable Member for Commerce and Railways please state the rule under which the grade advancement to the staff on the East Indian Railway was not sanctioned in the same manner as was sanctioned to the staff on the North Western Railway, *vide* Railway Board letter No. 822-E.G., dated the 13th August, 1933 ?

The Honourable Sir Muhammad Zafrullah Khan : I would refer the Honourable Member to my reply to Qazi Muhammad Ahmad Kazmi's question No. 832, asked on the floor of this House on the 26th February, 1936.

RULES AND CONDITIONS GOVERNING ALLOWANCES ADMISSIBLE TO NON-GAZETTED STAFF ON STATE RAILWAYS.

976. ***Pandit Krishna Kant Malaviya :** Will Government please lay on the table of this House a copy of the rules and conditions governing allowances admissible to the non-gazetted staff on State Railways ?

The Honourable Sir Muhammad Zafrullah Khan : With your permission, Sir, I shall answer questions Nos. 976 and 977 together.

The general rules and conditions are contained in the Fundamental and Supplementary rules (a copy of which is in the Library) and supplemented from time to time by the orders issued by the Governor General in Council. These will be shortly published in a consolidated form.

RULES AND CONDITIONS GOVERNING ALLOWANCES ADMISSIBLE TO GAZETTED STAFF ON STATE RAILWAYS.

†977. ***Pandit Krishna Kant Malaviya :** Will Government please lay on the table of this House a copy of the rules and conditions governing allowances admissible to the gazetted staff on State Railways ?

APPLICABILITY OF FUNDAMENTAL AND SUPPLEMENTARY RULES TO NON-GAZETTED STAFF ON STATE RAILWAYS IN RESPECT OF PAY, ALLOWANCES, LEAVE, ETC.

978. ***Pandit Krishna Kant Malaviya :** Will the Honourable Member for Commerce and Railways please state the extent of the Fundamental and Supplementary Rules applicable to the non-gazetted staff on State Railways in respect of pay, allowances, leave, etc. ?

The Honourable Sir Muhammad Zafrullah Khan : I shall with your permission answer questions Nos. 978 and 979 together.

I would refer the Honourable Member to the Fundamental and Supplementary Rules themselves and to the Railway Services (Classification, Control and Appeal) Rules, copies of all of which are in the Library of the House.

APPLICABILITY OF FUNDAMENTAL AND SUPPLEMENTARY RULES TO GAZETTED STAFF ON STATE RAILWAYS IN RESPECT OF PAY, ALLOWANCES, LEAVE, ETC.

†979. ***Pandit Krishna Kant Malaviya :** Will Government please state the extent of the Fundamental and Supplementary Rules applicable to the gazetted staff on State Railways in respect of pay, allowances, leave, etc. ?

§980.

†For answer to this question, see answer to question No. 976.
†For answer to this question, see answer to question No. 978.
‡This question was withdrawn by the questioner.

[9TH OCT. 1936.]

FREE PASS RULES GOVERNING THE JOURNEY OF STAFF ON STATE RAILWAYS.

981. *Pandit Krishna Kant Malaviya : Will Government please state whether the Free Pass Rules, governing the journey of the staff (gazetted and non-gazetted) on State Railways, in any way override the Fundamental and Supplementary Rules ?

The Honourable Sir Muhammad Zafrullah Khan : No : the two sets of rules never meet ; as the Fundamental and Supplementary Rules do not deal with the question of free passes.

APPEALS, MEMORIALS OR PETITIONS SUBMITTED TO THE GOVERNOR GENERAL IN COUNCIL BY THE STAFF IN THE ALLAHABAD DIVISION, EAST INDIAN RAILWAY.

982. *Pandit Krishna Kant Malaviya : Will Government please lay on the table of this House a statement showing the number and nature of appeals, memorials, or petitions addressed to the Governor General of India in Council by the staff in or discharged from the service in the Allahabad Division of the East Indian Railway and withheld or returned by the Divisional Superintendent during the period from 1st January, 1936 and 31st August, 1936, with the reasons therefor ?

The Honourable Sir Muhammad Zafrullah Khan : I lay on the table of the House a statement giving the required information. As regards appeals, I would invite the Honourable Member's attention to paragraph 17 of Rules regulating discipline and rights of appeal of non-gazetted Railway Servants, a copy of which is in the Library of the House.

Statement of memorials/petitions addressed to the Governor General in Council and withheld by the Divisional Superintendent, Allahabad, during the period 1st January, 1936 to the 31st August, 1936.

No.	By whom withheld.	Date of petition, etc.	Name of petitioner, etc.	Subject.	Orders passed.	Reference to the particular rule under which the petition was withheld.	Remarks.
1	** Divisional Superintendent, Allahabad.	March 1936.	** Bal Mukand Kapoor, Ex-Travelling Ticket Examiner, Cawnpore Central.	Discharged under terms of agreement from 25th September, 1934.	** Withheld.	** Rule 7 (16) Part III of Home Department Notification No. F.6/7/33-II, dated the 19th June 1933, a copy of which is in the library of the House.	

VOLUNTARY RETIREMENT OF STAFF UNDER ECONOMY CAMPAIGN IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

983. *Pandit Krishna Kant Malaviya : Will Government please lay on the table of this House a statement showing :

- the number of the staff who applied for voluntary retirement under economy campaign during 1933 in Moradabad Division of the East Indian Railway ;
- category of those staff ;
- the number of those staff permitted to retire in each category ;
- the nature and period of leave granted to those staff in each category ;
- the number of those staff in each category permitted to cancel the retiring leave ;
- the rules under which those staff are entitled to have the retiring leave cancelled ; and
- the monetary loss to the Railway Administration in allowing those staff to resume duty ?

The Honourable Sir Muhammad Zafrullah Khan : The information is not readily available and its collection would involve an amount of labour and expense not likely to be justified by results.

CREATION OF TWO NEW POSTS AFTER THE SURRENDER OF THE POST OF TRANSPORTATION INSPECTOR, COMMERCIAL, EAST INDIAN RAILWAY.

984. *Pandit Krishna Kant Malaviya : With reference to the statement laid in this House on the 26th January, 1934, in reply to starred question No. 1358 (b) asked on the 11th December, 1933, will the Honourable Member for Commerce and Railways please state :

- the date from which the posts of clerks in grade I on Rs. 178-10-218 were abolished ;
- the date from which those posts in those grades were revived ;
- the reasons or circumstances for abolition and revival of those posts ;
- how many senior clerks were superseded by such revival of those posts ;
- how far the action of the Chief Commercial Manager, East Indian Railway, viz., that provision had to be made by creating a new appointment of clerks in grade I (*vide* letter No. C.C./P.F.E./65, dated the 25th August, 1933) is justified ;
- the reason for not appointing retrenched staff on those revived posts in accordance with the instructions contained in Railway Board letter No. 381-L., dated the 19th August, 1932 ;
- the amount incurred on those revived posts ; and
- whether they propose to inquire into the conduct of the Chief Commercial Manager and if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : Government have no information. These are matters of detailed administration within the competence of the Agent, East Indian Railway, to whom a copy of the question has been sent for information and such action as he may consider necessary.

LOSSES TO RAILWAY REVENUES.

985. ***Pandit Krishna Kant Malaviya :** Has the attention of the Governor General for India in Council been invited towards Railway Board letter No. 6617-E-30, dated the 1st/2nd May, 1933 ? If so, will the Honourable the Finance Member please state :

- the circumstances under which the loss to revenues were not referred to in the Annual Reports of the Accounts Department ;
- the circumstances under which the losses to revenues were not placed before the Public Accounts Committee ;
- what action has been taken against those who failed in their duty in recovering the loss to revenues ; and
- the date on which the loss to revenue was " written off " with the name of the competent authority, who passed the order ?

The Honourable Sir Muhammad Zafrullah Khan : I have seen a letter bearing the number and date quoted by the Honourable Member. This, however, was a demi-official letter from a Member of the Railway Board to Sir Henry Gidney and Government are not prepared to disclose information in regard to matters which may arise out of demi-official correspondence.

REFUSAL TO FORWARD APPEALS OF STAFF BY OFFICERS ON STATE RAILWAYS.

986. ***Pandit Krishna Kant Malaviya :** Is it a fact that Government informed this House on 21st February, 1934, in reply to a supplementary question to starred question No. 179 that an officer is not entitled to refuse to forward appeals that lie under the rules ? If so, will the Honourable Member for Commerce and Railways please state :

- whether appeals lie to a Head of the Department against the orders passed by another Head of the Department ; and
- whether Agents, Chief Operating or Transportation Superintendents, Chief Commercial Managers, Traffic Managers, Chief Engineers, Divisional Superintendents, etc., etc., of State Railways are Heads of Departments ?

The Honourable Sir Muhammad Zafrullah Khan : The reply to the first part of the question is in the affirmative.

(a) I would invite the Honourable Member's attention to rule 17 of the " Rules regulating discipline and rights of appeal of non-gazetted Railway Servants ", a copy of which is in the Library of the House.

(b) With the exception of Agents and Divisional Superintendents the rest of the authorities referred to in the question are heads of Departments.

Dr. Ziauddin Ahmad : Has the Honourable Member seen the proceedings of this Assembly in which we discussed the way in which appeals are disposed of by the railway authorities ?

The Honourable Sir Muhammad Zafrullah Khan : That does not arise out of this question.

Dr. Ziauddin Ahmad : Is it not a fact that the appeals are never attended to properly ?

The Honourable Sir Muhammad Zafrullah Khan : That is entirely incorrect.

Dr. Ziauddin Ahmad : Is it not a fact that these appeals are never read. There is a printed form and it is practically sent off by the clerk who is there and it is neither read by the Railway Board nor by the Agent ?

The Honourable Sir Muhammad Zafrullah Khan : That is not correct.

TRAVELLING OF OFFICERS ON DUTY PASSES WHEN THEY ARE NOT ON DUTY.

987. ***Pandit Krishna Kant Malaviya :** With reference to the reply to part (d) of unstarred question No. 61 asked on the 4th February, 1936, in this House, will the Honourable Member for Commerce and Railways please state the rule made under section 96-B of the Government of India Act which delegates the discretionary powers to Agents of State Railways to authorize the gazetted staff to travel on duty (free) pass when the period spent is not treated as on duty ?

The Honourable Sir Muhammad Zafrullah Khan : Section 96B of the Act does not apply to the grant of passes.

POSTS OF SPECIAL INVESTIGATING INSPECTORS ON THE EAST INDIAN RAILWAY.

988. ***Pandit Krishna Kant Malaviya :** With reference to the reply given in this House on 4th February, 1936, to unstarred question No. 74, will the Honourable the Finance Member please state the expenditure incurred on the posts of Special Investigating Inspectors on the East Indian Railway and the justification for its creation in addition to the existing Inspectors ?

The Honourable Sir Muhammad Zafrullah Khan : Government are informed that there is at present one post of Special Inspector on the East Indian Railway Headquarters in the scale of Rs. 230—15—350 ; the pay of the present holder being Rs. 245 per mensem. The post was revived in order to meet the needs of the Commercial Department for the better conduct of claims cases and resulted in substantial savings.

TRAVELLING ALLOWANCES OF PERSONS ATTENDING MEETINGS OF THE INDIAN RAILWAY CONFERENCE ASSOCIATION.

989. ***Pandit Krishna Kant Malaviya :** Will Government please state the procedure and rate of payment of travelling allowances to persons attending meetings of the Indian Railway Conference Association ?

The Honourable Sir Muhammad Zafrullah Khan : With your permission, Sir, I shall answer questions Nos. 989 to 992 together. The meetings of the Indian Railway Conference Association are attended by railway officials as representatives of the railway to which they belong. They are treated as on duty for this purpose and they receive travelling allowance under the Travelling Allowance Rules in force on their respective railways.

TRAVELLING ALLOWANCES OF STAFF OF STATE RAILWAYS ATTENDING MEETINGS OF THE INDIAN RAILWAY CONFERENCE ASSOCIATION.

†990. ***Pandit Krishna Kant Malaviya :** Will Government please state how the travelling allowances of the staff on State-managed Railways are paid to them when attending meetings of the Indian Railway Conference Association at places outside their headquarters or jurisdiction or within their headquarters or jurisdiction ?

TRAVELLING ALLOWANCES OF STAFF OF STATE RAILWAYS ATTENDING MEETINGS OF THE INDIAN RAILWAY CONFERENCE ASSOCIATION.

†991. ***Pandit Krishna Kant Malaviya :** Will Government please state the rule under which travelling allowances of the staff on State-managed Railways for the attendance at meetings of the Indian Railway Conference Association are paid ?

STAFF OF STATE RAILWAYS ATTENDING MEETINGS OF THE INDIAN RAILWAY CONFERENCE ASSOCIATION.

†992. ***Pandit Krishna Kant Malaviya :** Will Government please state whether the staff on State-managed Railways attending the meetings of the Indian Railway Conference Association are on duty or otherwise ?

TRAVELLING ALLOWANCES TO STAFF ON STATE RAILWAYS FOR ATTENDING MEETINGS OF THEIR TRADE UNIONS.

993. ***Pandit Krishna Kant Malaviya :** Will Government please state the rule under which travelling allowances to staff on State-managed Railways for attending meetings of their Trade Unions are paid ?

The Honourable Sir Muhammad Zafrullah Khan : There is no such rule. Staff attending meetings of their Trade Unions are not allowed any travelling allowances. I may add for the information of the Honourable Member that Government have no objection to the staff utilising the leave and passes due to them under the ordinary rules for Union meetings or business.

STAFF OF STATE RAILWAYS ATTENDING MEETINGS OF THEIR TRADE UNIONS.

994. ***Pandit Krishna Kant Malaviya :** Will Government please state whether the staff on State-managed Railways attending the meetings of their Trade Unions are on duty or otherwise ?

The Honourable Sir Muhammad Zafrullah Khan : Railway servants attending meetings of their Trade Unions are not considered on duty.

†For answer to this question, see answer to question No. 989.

STATUTE OR ACT GOVERNING THE CONDUCT OF RAILWAY SERVANTS.

995. ***Pandit Krishna Kant Malaviya :** Will Government please state the statute or Act under which the conduct of railway servants in India is governed ?

The Honourable Sir Muhammad Zafrullah Khan : With your permission, Sir, I propose to reply to this and the following question together.

Rules regulating the conduct of railway servants, functioning as such, made under section 47 of the Indian Railways Act, 1890, were last published in Government of India, Railway Department (Railway Board) Notification No. 1078-T., dated the 9th March, 1929, which appeared in the Gazette of India of the same date.

As regards regulation of conduct of railway servants employed on State-managed Railways, in other matters, in common with other Government servants, I would refer the Honourable Member to the Government Servants' Conduct Rules issued or confirmed under section 96B of the Government of India Act, 1919 ; a copy of these rules is in the Library of the House. Servants of Company-managed Railways would, in such matters, be governed by rules which the companies concerned may make.

RULES REGULATING THE CONDUCT OF RAILWAY SERVANTS.

†996. ***Pandit Krishna Kant Malaviya :** Will Government please state the notification and date of the Gazette of India in which rules to regulate the conduct of Railway servants in India is published ?

APPEAL TO THE GOVERNOR GENERAL IN COUNCIL AGAINST AN ORDER OF THE AGENT OF A STATE RAILWAY.

997. ***Pandit Krishna Kant Malaviya :** Will the Honourable Member for Commerce and Railways please state whether an appeal lies to the Governor General in Council against an order of the Agent of a State-managed Railway ? If not, under what regulation ?

The Honourable Sir Muhammad Zafrullah Khan : I would invite the Honourable Member's attention to the " Rules regulating discipline and rights of appeal of non-gazetted Railway Servants ", a copy of which is in the Library of the House.

MILEAGE ALLOWANCE OF TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY.

998. ***Pandit Krishna Kant Malaviya :** With reference to the statement laid on the table of this House on the 7th February, 1933, in reply to starred question No. 249 (b), asked on the 12th February, 1932, will the Honourable Member for Commerce and Railways please state :

- whether the mileage allowance is only paid to the running staff ;
- whether the mileage allowance is only withdrawn on change of classification ;

†For answer to this question, see answer to question No. 995.

- (c) whether the date of the change in classification and alteration of the change in classification is notified as required by section 47 (1) (e) of the Railway Act and published in the Gazette of India under the provision of section 47 (3) of the Railway Act and, if so, what date ; and if not, why not ; and

- (d) the consideration of removing them from running staff ?

The Honourable Sir Muhammad Zafrullah Khan : I would refer the Honourable Member to my reply to Qazi Muhammad Ahmad Kazmi's question No. 832, asked on the floor of this House on the 26th February, 1936.

APPEALS AGAINST THE ORDERS OF THE DIVISIONAL SUPERINTENDENTS ON THE EAST INDIAN RAILWAY.

999. ***Pandit Krishna Kant Malaviya :** With reference to the answer given on the 7th February, 1933, to starred question No. 1465, asked on the 28th November, 1932, in this House, will the Honourable Member for Commerce and Railways please state, after making full inquiries :

- (a) whether an appeal lay to the next higher authority to the authority passing orders ;
 (b) whether the Divisional Superintendents on the East Indian Railway are designated as Heads of the Department ; if so, for what purposes ;
 (c) whether the Agent is the next higher authority to the Heads of Department ; if not, then who is ; and
 (d) whether the Agent, by virtue of his circular No. 462 of 21st October, 1926, is the next higher authority to the Divisional Superintendent in matters applicable to establishment ?

The Honourable Sir Muhammad Zafrullah Khan : (a) In all cases appeal lies to the next higher authority than the authority passing the orders.

- (b) No.
 (c) Yes.
 (d) No.

REGULATIONS FOR RECRUITMENT OF STATION MASTERS AND ASSISTANT STATION MASTERS ON THE EAST INDIAN RAILWAY.

1000. ***Pandit Krishna Kant Malaviya :** With reference to the statement laid on the table of the House on the 9th February, 1933, in reply to starred question No. 1474, on the 28th November, 1932, will the Honourable Member for Commerce and Railways please lay on the table a copy of the amendments up to date, made under the provisions of Rule 64 to circular No. 548/A.E.-2460, dated the 1st October, 1932 by the Agent, East Indian Railway ?

The Honourable Sir Muhammad Zafrullah Khan : Copies of the amendments to the ' Rules for the recruitment and training of subordinate staff on State-managed Railways ' made by the Railway Board are

in the Library of the House. Government have no information regarding the amendments made by the Agent, East Indian Railway, under the power delegated to him in rule 64 of these rules.

REDUCTION IN THE EMOLUMENTS AND NUMBER OF CERTAIN OFFICERS ON THE EAST INDIAN RAILWAY.

1001. ***Pandit Krishna Kant Malaviya :** Will the Honourable Member for Commerce and Railways please state in respect of East Indian Railway :

- (a) whether there has been a reduction in the emoluments and also in the number of :

- (1) Administrative officers,
 - (2) Senior Scale officers,
 - (3) Junior Scale officers,
 - (4) Lower Gazetted officers,
 - (5) Inspectors (showing grades, etc.),
 - (6) Station Superintendents,
 - (7) Station Masters (showing grades, etc.), and
 - (8) Assistant Station Masters (showing grades, etc.) ;
- between 1925 and up to date ; communitywise ;

- (b) whether there has been an increase in the emoluments and also in the number of appointments referred to in part (a) of this question since 1925, communitywise ;

- (c) the reasons or circumstances necessitating the difference between parts (a) and (b) of this question ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). The information readily available will be found in the " East Indian Railway Establishment Rolls and Working Estimates for the years 1925-26 and 1935-36 ", copies of which have been placed in the Library of the House.

- (c) The changes were made in the interests of administration.

PAY AND ALLOWANCES OF TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

1002. ***Pandit Krishna Kant Malaviya :** With reference to the answer given to part (c) of starred question No. 488, asked in this House on the 25th February, 1933, will the Honourable Member for Commerce and Railways please lay a list of the permanent posts in a substantive capacity prior to the introduction of the Moody-Ward Scheme on the East Indian Railway ?

The Honourable Sir Muhammad Zafrullah Khan : With your permission, Sir, I propose to reply to questions Nos. 1002, 1003, 1004 and 1005 together. I would invite the Honourable Member's attention to my reply to Qazi Muhammad Ahmad Kazmi's starred question No. 832 asked on the floor of this House on the 26th February, 1936.

PAY AND ALLOWANCES OF TRAVELLING TICKET INSPECTORS ON THE EAST
INDIAN RAILWAY.

†1003. *Pandit Krishna Kant Malaviya : With reference to the answer given to starred question No. 488, asked in this House on the 25th February, 1933, will the Honourable Member for Commerce and Railways please state :

- (a) whether the option of retaining the scale of pay is within the provisions of Fundamental Rules ; and if so, under what rule ; and
- (b) whether the option of retaining the scale of pay includes advancements from one stage to another stage and the increments in the stages ; if not, under what rule or regulation ?

REPORT OF THE MISRA COMMITTEE ON THE POSITION AND SALARY OF
TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

†1004. *Pandit Krishna Kant Malaviya : With reference to the answer given to starred question No. 587, asked in this House on the 27th February, 1933, regarding the report of the Misra Committee on the position and salary of Travelling Ticket Examiners on the East Indian Railway, will the Honourable Member for Commerce and Railways please state :

- (a) the authority ordering the appointment of the Committee ;
- (b) the composition of the Committee ;
- (c) the matters referred to the Committee ;
- (d) the evidence recorded by the Committee ;
- (e) the places inspected by the Committee ; and
- (f) the cost of the Committee ?

CONSOLIDATED ALLOWANCES OF TRAVELLING TICKET INSPECTORS, ETC., ON
THE EAST INDIAN RAILWAY.

†1005. *Pandit Krishna Kant Malaviya : With reference to the statement laid on the table on the 27th February, 1933, in reply to part (e) of starred question No. 956, asked in this House on the 8th November, 1932, will the Honourable Member for Commerce and Railways please state whether one Officer-in-Charge, four Divisional Inspectors and 125 Travelling Ticket Inspectors on the East Indian Railway are eligible for the consolidated travelling allowance as referred to in the answer given to part (e) of the starred question No. 488, asked in this House on the 25th February, 1933 ? If so, are they eligible for it while on stationary duties ?

APPOINTMENT OF MR. HESELTINE AS OFFICER ON SPECIAL DUTY ON THE
EAST INDIAN RAILWAY.

1006. *Pandit Krishna Kant Malaviya : Will the Honourable Member for Commerce and Railways please state :

- (a) the period of appointment of Mr. Heseltine, Officer on Special Duty on the East Indian Railway ; and

†For answer to this question, see answer to question No. 1002.

- (b) whether Mr. Heseltine submitted any report of his work as Officer on Special Duty ; if so, whether he placed a copy of the report on the table of this House ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Mr. Heseltine was on special duty on the East Indian Railway from October, 1926, to the 31st March, 1928.

- (b) The reply to the first part of the question is in the affirmative and the latter in the negative.

MOTION FOR ADJOURNMENT.

FAILURE OF THE GOVERNMENT OF INDIA TO SECURE SECRECY OF BALLOT IN THE
PUNJAB AS RECOMMENDED BY THE ASSEMBLY.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order 12 Noon. I have received notice of an adjournment motion from Mr. Mohan Lal Saksena to this effect. He wants to move "the adjournment of the business of the Assembly to consider a definite matter of urgent public importance, i.e., the failure of the Government of India to secure secrecy of ballot in the Punjab as recommended by the Assembly". And he says : "The election rules for the Punjab were published in the Punjab Gazette, dated the 2nd October".

Was not a similar motion regarding the United Provinces sought to be moved the other day ?

Mr. Mohan Lal Saksena (Lucknow Division : Non-Muhammads Rural) : Yes, Sir, but this relates to the Punjab.

Mr. President (The Honourable Sir Abdur Rahim) : That was ruled by the Governor General as being a matter of provincial concern, and not primarily a concern of the Government of India. That ruling substantially covers this question which is identical to the previous question.

Mr. Mohan Lal Saksena : The rules in the United Provinces are slightly different from those in the Punjab.

Mr. President (The Honourable Sir Abdur Rahim) : That may be but the question is, whether the matter is not primarily of provincial concern. From that point of view, the question is really substantial the same as the previous one.

Mr. Mohan Lal Saksena : In the case of the United Provinces, I have rules, but not in this case.....

Mr. President (The Honourable Sir Abdur Rahim) : I know, but what he has ruled in the case of the United Provinces applies to this motion the same as the previous one.

Mr. Mohan Lal Saksena : But that ruling does not apply, Sir moreover, he may not be here to disallow it. (Laughter.)

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the Bill to recognize and remove doubts as to the validity of inter-marriages current among Arya Samajists, as reported by the Select Committee. What is under consideration now is Mr. Bajoria's amendment* No. 12. **Sardar Sant Singh.**

Sardar Sant Singh (West Punjab : Sikh) : Sir, when the House rose last time during the discussion of this motion, I was submitting for the consideration of the House, as well as that of the Honourable the Mover of this Bill, the proposition whether the Mover has considered the desirability of substituting territorial laws for personal laws in this country. Sir, the one great advantage of the unitary system of the Government of India has been the uniformity of the laws that have been made in this country. The law relating to evidence, the substantive laws, the procedure laws and other laws apply from one end of the country to the other today. Sir, I would just appeal to the Honourable Members of this House whether the time has not come when the various communities in India should pool their resources together, sit together, and devise common laws for marriages, succession, inheritance, and so on and so forth.....

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : And eat together.

Sardar Sant Singh : Certainly, I will accept that proposition if it comes with a *bonâ fide* intention. There can be no doubt that the uniformity of laws tends to help the process of unification in the country, while the personal laws governing tribes and communities have a centrifugal tendency, and though for the time being they may seem to be very convenient for a particular community, yet they have a tendency to separate the communities from one another. Therefore, Sir, I would appeal to the Honourable Members of this House to consider this aspect of the case and I would appeal to the Honourable Member in charge of the legislation in this House to frame an all-comprehensive Bill which may solve this problem of marriage, succession, etc., once for all and for all communities. With these few remarks, Sir, I support the motion.

Dr. Bhagavan Das (Cities of the United Provinces : Non-Muhammadan Urban) : Sir, I oppose the amendment moved by my Honourable friend Mr. Bajoria. Before I deal with the arguments of Mr. Bajoria, I should like, with your permission, to refer briefly to the most unfortunate, most extraordinary and unexpected, very minatory language used by our Honourable and usually very jovial colleague, Mr. Kabeer-ud-Din, the other day, in supporting Mr. Bajoria's amendment. As the Honourable the Leader of the House and Law Member himself said—I am very sorry he is prevented by illness from being present here—Mr. Kabeer-ud-Din's words clearly gave the impression that he was approving of the murder of Swami Shraddhanand. By his violent language, Mr. Kabeer-ud-Din has

* That for clause 2 of the Bill, the following be substituted :

2. Notwithstanding any law, usage or custom to the contrary, no marriage contracted after the commencement of this Act between two persons being at the time of the marriage Arya Samajists shall be invalid by reason only of the fact that the parties at any time belonged to different castes or different sub-castes of Hindus or that both the parties at any time belonged to a religion other than Hinduism.

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offered a cruel insult to the memory of a great man and a most self-sacrificing patriot, who was deeply and sincerely honoured, not only within the Arya Samaj, but throughout India, by the educated and thoughtful of all communities, including even those who differed from him in opinion. (Hear, hear.) I cannot imagine that Mr. Kabeer-ud-Din sincerely believes that any real good of the Islamic community in India has been at all promoted by that murder. (Interruption by Mr. Kabeer-ud-Din Ahmed.)....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member himself has provoked this.

Dr. Bhagavan Das :Which all non-Muslims and also all thoughtful Muslims regard as wholly criminal, senseless, and most shameful withal, as committed on an old man lying sick and helpless in bed, a man who was, moreover, the lifelong friend of such noble-minded and large-hearted Muslims as the late much-lamented Hakim Ajmal Khan and Dr. Ansari. Mr. Kabeer-ud-Din has also insulted this whole House.....

Mr. K. Ahmed : My name is Mr. Kabeer-ud-Din Ahmed, and not Mr. Kabeer-ud-Din, I object to my friend's ignorance.

Dr. Bhagavan Das : I stand corrected ; I was not aware that that was an essential part of the name.

Mr. President (The Honourable Sir Abdur Rahim) : I think the Honourable Member (Dr. Bhagavan Das) need not dilate on this.

Dr. Bhagavan Das : Mr. Kabeer-ud-Din Ahmed has also insulted this whole House, so I feel, by the very unbecoming language which he allowed to escape from his mouth. Such words should, indeed, be impossible to utter, for a person in the position of Mr. Kabeer-ud-Din Ahmed, as a Member of this Honourable House and as a barrister of long standing, who may well be expected to have a liberal, reasonable, and just mind, willing to give as well as take, in matters of religion even more than in any other, for the quintessence of religion is justice and reciprocity and doing to others as we would be done by. I would remind my Honourable friend, Mr. Kabeer-ud-Din Ahmed, that the Prophet himself has said that "there should be no compulsion in matters of religion" and that "the noblest religion is to wish for others what we wish for ourselves" :

" *Lā ekrāhū fid-dīn* ", and " *Afzal-ul-īmānium tohibbo linnas mā tohibho le nafsekā* ".

Moreover it is utterly wrong to imagine, as my friend, Mr. Kabeer-ud-Din Ahmed, imagined, when he said :

" The intention of the Bill is to convert all the Muslims, Christians, and others into the Arya Samajist fold and get hold of their property."

Sir, the Bill intends no such absurdity. Its intention is unmistakably clear from its language. It only seeks to remove any and all possible doubts as to the validity of the marriage of two persons who were both Arya Samajists at the time of the marriage, though their castes might have been different, or though they might have belonged at any former time to any other religion. No fair-minded Christian has raised or would raise any objection to this on any ground of either religious or worldly reason ; and, it seems to me, no fair-minded Muslim can do otherwise.

As to the propriety of validating marriages retrospectively, this is nothing new for this Legislature to do. It has already done so as regards some marriages in the Central Provinces when the jurisdiction of the

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Allahabad High Court was doubted in that behalf ; and a Bill is before us now for similar validation of some marriages in Bangalore.

I may be permitted to say that the great and happy Japanese people set the right example to us in regard to religious tolerance. The father of the family may be a Shinto-ist ; the mother, a Buddhist ; the son a Christian as was literally the case in the family of Marshal Nogi, who won great fame in the Russo-Japanese War ; yet they all live together in the same family home, quite happily and lovingly ; governing their daily outer life by the common science and the common laws of their country, and only their prayers and worships by their separate religious inclinations. We have to do, today, in the name and in the light of science and law what was done in the medieval ages in the name of religion, which, if only truly understood is and should be law in a larger and fuller aspect. Indeed, I dream such foolish dreams as to believe that if the several religious communities exchanged followers, for fixed periods, as universities in the West are now beginning to exchange lecturers and students, mutual understanding and sympathy would be greatly promoted and all would learn to see that the differences are only in the outer forms and languages, that the essentials of all religions are the same, that the One Universal Spirit is present in them all. As the wise old Maulana Rum has said :

" Khushīār ān bāshād ke sirrī dīl-barān

Guftā āyād dar hadise dīgarān.

It is a great delight to find

One's own thought in another mind."

Sir, this House is unique among the Legislatures of the world, in that it includes representatives of all the great living religions. It is for us to set the good example of tolerance in religious as well as other matters. We have the occasion, and we have the opportunity. Unless we cease to "insult", unless we learn to "consult", unless we induce by our active and constant example all the different sections of the Indian people to rise to the height of not only rational mutual tolerance but of effective mutual good-will, give-and-take, sympathy, appreciation and co-operation, the Indian people will fall into ever greater and greater decay. But if we and our electors, the Indian People who are the bread-givers and the salary-givers of the official as well as the non-official sides of this House, do so rise in spirit, in heart and in mind, as the result of the good example which we all here may set to them, then the Indian people will most surely rise in all and every material as well as spiritual prosperity.

I will, therefore, beg Mr. Kabeer-ud-Din Ahmed to start the good work—for small-seeming events have sometimes very far-reaching effects—by expressing regret for his improper language and thereby restoring placidity and pleasantness to the minds of his colleagues here.

As to Mr. Bajoria, I can only bend my head before him in sadness, for I expected better things from him. He has been unwittingly misguiding himself and also Mr. Kabeer-ud-Din Ahmed perhaps, for the sake of what might seem to them an immediate gain ; but which, indeed, to the deeper view, means disastrous loss to both the Hindu and the Muslim communities, by confirmation of both in fanatic intolerance and mutual hatred and obstruction, instead of mutual sympathy and affection and co-operation for the welfare of both.

I do not blame Mr. Bajoria. His mind is naturally filled with and moulded by the traditions, in which he has been brought up, of the profound misunderstanding as regards the nature of the caste-system, which has pervaded this land for centuries now, and which has been causing the ever-worsening degeneration of the Indian people and the ancient religion, all these centuries.

I must not enlarge upon historical instances of how such errors have persisted and increased for long ages and slowly brought about the downfall of nations.

I can only wish and hope that Mr. Bajoria may come to see the true meaning and purpose of the caste-system, to desist from obstructing this very helpful measure and, instead, to assist in the good cause of securing reformed and happier ways and means of life for all the communities that inhabit this land.

With reference to the remarks made by Mr. Bajoria, who said he was not a Pandit, and also by my very kind and worthy friend, Mr. Umar Ali Shah, who, by his excellent knowledge of Sanskrit, is a Pandit, on the subject of "Varna-Sankara" or "mixture of castes", as it is now understood, I will place before the House a very brief statement of the true nature of what is called the caste-system, and which, in Sanskrit, is known as "Varna-Vyavastha".

The fundamental scientific psychological principles, on which it is based, are indicated in the Vedas, in the Great Hymn to the Spirit of Humanity, the Oversoul of the whole Human Race, conceived as One Divine Man. This Hymn, known as the Purusha-Sukta, was composed at least five thousand years ago, by the computations of even European Orientalists. The Hymn says :

Sahasra-shirshā Purushah, Sahasrāksha, sahasra-pāt,

Sa bhūmim sarvatah spirtvā atyatishthad dash-āngulam.

Brahmano-sya mukham āsit, Bāhū Rājanyah Kritah,

Uru tad-asya yad Vaishyah, Padbhhyām Shūdro ajāyata."

"This million-headed, million-eyed, million-handed, million-bodied, million-footed Man overspreadeth the whole earth and encompasseth it all with His ten sensor and motor organs. The men of knowledge constitute His head, wherein are placed all the organs of knowledge and the brain which thinks and guides ; the men of action are His arms ; the men of desire are His trunk ; the men of unskilled labour are His all-supporting legs."

Sociological Science tells us that as an individual body is an organism, so the Social body, the Social Whole, is and ought to be an organism ; and Psychological Science tells us that every human being is predominantly, not exclusively, either a man of knowledge, or a man of action, or a man of desire, or is undifferentiated and unspecialised. In the ancient Social Organisation this larger organism is composed of four inter-dependent, mutually balanced, mutually helpful organisations. First comes the Educational Organisation, consisting of the learned professions, the *varna* of the *brahmanas* or *āchāryas*, and of the *ashrama* or order of the students, *brahma-charis*, *tulabā* ; the second is the Protective or Political Organisation, composed of the executive and military professions, the *kshattriyas* or *āmils*, (or *āmirs* or *amirs*, from the root *amr*, 'command'), and if the order of the suburbans' or *vāna-prasthas* ; the third is the Economic Organisation, made up of the farming and commercial professions, the

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vaishyas or *zurrā* and *tājirs* and of the order of the householders, the *grihasthas*, the *khānādārs*; the fourth is the Industrial Organisation, constituted by the labouring professions, the *shudrās* or *mazdārs*, the unskilled or little-skilled workmen as the physical servants, and of the order of the *Sanyāsīs*, the *faqīrs*, *durwēshas*, *miskins*, hermits and anchorites, as the spiritual servants, of society. The Vedas, and the first Law-giver of this land, Manu, whose Institutes are the oldest living law book of the world, have deliberately organized Human Society thus, in India, with equitable and strict partition of different kinds of rights and duties, work and reward, between the four.

The Educational organization decided the proper Varna, the profession, the right function and place in the social organism, of each student, at the end of his educational career, in accordance with his vocational aptitude, as duly ascertained by his teachers.

The two biological laws, *viz.*, the Law of Heredity, *i.e.*, *Janma* or *Yoni*, and the Law of Spontaneous Variation or Mutation, *i.e.*, individual Karma or Tapas, were both taken into account in the Gurukula or Educational Home, in giving the appropriate cultural as well vocational teaching and training to each alumnus, and his special outstanding individual aptitude, whether it was in accordance with his heredity, or was his own peculiar and dominant variation from that heredity, decided his *varna*.

'Varna' primarily means, therefore, the occupation 'chosen' by a person in accordance with his vocational aptitude (*vriyatē iti varnah*), and which 'describes' his position in society, (*varnayati iti varnah*). describes the manner in which he is a member of it, the function he fulfils in it, and the livelihood he receives from it.

'Savarna-vivāha' means marriage between two persons of parity of temperament and similarity or compatibility of tastes, interests, habits and ways of life. *Samāna-shīla-vyasaneshu sakhyam*. Manu, accordingly, prescribes different kinds of marriage for different temperaments.

'Varna-vyavasthā' means social organization by rational division of the functions of society, the scientific division of the social labour, between the four main temperamental and vocational groups or classes, and the equitable apportionment of rights and duties, work and play, merit and reward, between the four classes.

'Varna-Sankara' primarily means 'confusion' 'fusing or mixing together', of these rights and duties, and consequent disorganization of society through the iniquitous grabbing of all rights by the strong and cunning few, and the imposing of all duties by them upon the weak and simple many. Secondly, 'varna-sankara' means the mating of persons of disparate temperaments, and adultery, concubinage, prostitution, sex-slave traffic, and worship of egoist sensuality instead of altruist duty and spirituality. This is what 'varna-sankara' means, and not the marriage of two persons bearing two different caste-names which have lost all real significance now. (Hear, hear.)

All these horrors of adultery and concubinage, prostitution and sex-slave traffic, are allowed to flourish luxuriantly while a terrible hue and cry is raised against a few inter-caste and inter-religion and inter-race marriages.

THE ARYA MARRIAGE VALIDATION BILL.

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My Honourable friend, Babu Baijnath Bajoria, quoted some verses from the Gita under the impression that they support his view. They do not. His impression is wholly mistaken. Those verses propound Arjuna's doubts. Krishna's solution of the doubts is the very reverse of what Mr. Bajoria thinks. It is an authoritative and indubitable declaration that *varna* is by *karma*, and not by *janma*, and that *karma*, *i.e.*, *jivika-karma* or bread winning occupation, should be in accordance with natural disposition, inclination, capacity, *svabhāva* and *gunā*.

"Chātur-varnyam mayā srishtam

Guna-karma-vibhāgashah;

Karmāni pravibhaktāni

Sva-bhāva prabhavair gunaih."

Over and over again, statements are made in the Mahabharata and the Puranas to the same effect:

"Na vishish-osti varnānām,

Sarvam Brāhman idam jagat;

Brahmanā purva-srishtam hi

Karmabhir varnatām gatam.

Janmanā jāyatē shūdrah,

Samskārad dvi-ja uchyatē

Shūdrēna hi samas tāvad

Yāvad Védē na jāyatē."

"There is no inherent and ultimate difference between the castes. All are equally the progeny of the Supreme Creator. They have become differentiated only by taking up different avocations. All human beings are born Shudras equally: appropriate education gives to each his second birth."

Manu expressly declares:

"Brāhmanah, kshattriyo, vaishyah,

Trayo varnāh dvi-jātayah;

Chaturtha īka-jātis tu

Shūdro; nāsti tu panchamah."

That is:

"All mankind is classifiable into four classes. The twice-born, *i.e.*, the regenerate, the culturally and vocationally educated, fall into three classes—the men of science, the men of defensive chivalrous valour, the men of trade and business; the once-born in the uneducable fourth class. There is no fifth anywhere on earth."

Sir, my Honourable and honoured friend, Dr. Khan Sahib, who has grown very dear to me since I have had greater opportunities of observing his simple, earnest, straightforwardness and love of justice and patriotic benevolence of heart, asked my Honourable friend, Babu Baijnath Bajoria, the other day, in this hall, whether Mr. Bajoria was twice-born or once-born. He asked that question humorously, and Mr. Bajoria readily replied that he was twice-born. If I were asked that question, I would not dare to claim so readily that I was twice-born. It is not so easy to be born a second time. Jesus, the Christ, has declared "Unless ye be born again, unless ye become as little children, ye cannot enter the Kingdom of Heaven". Sir, we are all of us very much in purgatory, yet, and not at all prepared to enter the Kingdom of Heaven. In the full sense of the

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term, only they are 'twice-born' who have seen the Great Self, the Universal Self which pervades all life, and who therefore do to others as they would be done by.

Sir, scores of cases are mentioned in the Puranas, of changes of caste, of individuals, of families, and of whole clans or tribes. Scores of cases of inter-caste marriages are also mentioned, so-called *prati-loma* as well as so-called *anu-loma*. *Manu-smriti* and other *Smritis* also declare how, by special character and conduct, persons may change from one caste to another. Always the stress is on the temperament and the vocational aptitude. This ancient and complete scheme of social organization is applicable to any and every country, nation, race, people, without disturbing their special religious creeds or languages or national dresses and other peculiarities, or even the extensive use of machinery. Indeed, it is another of my foolish antiquated, primitive-minded dreams and convictions, that if the scientific psychological principles of that organization were duly followed, the frantic competition and hatred, between individuals as well as nations, which mark and mar the face of modern civilization, would be allayed, and the use of machinery would become largely beneficent, instead of largely maleficent as it is today.

By the simple ceremonial of the "Urātya-Stoma", prescribed in the Vedas, and in accordance with those principles, also indicated in the Vedas, as said before, thousands of tribes were converted, in ancient times, from "Vrātyas" or nomads into "Shālīnas" or "settled" Aryas, in accordance with the Vēda injunction, "Krinudhvam Vishwane Aryane", i.e., "Aryanise the world"; and all were organised into a great cultural and spiritual unity. Today, in every country, we find that same general idea of four-fold classification being followed, but only instinctively and not deliberately, and therefore very imperfectly, or, rather, distortedly, and therefore harmfully. The Clergy, the Nobility, the Commons, the Labourites of the British Parliament, represent the *ālims*, *ā-mils*, *tājirs* and *mazdīrs* of the "Varna-Vyavasthā". The Peasants, Soldiers, and Intellectual Workers and Manual Workers, of the Russian Soviet, do the same.

Such is the true and beneficent nature of the vocational class system, if rightly interpreted. But we see, before our eyes, how the discoveries of science, which should help human life, are being perverted to slaughter it and inflict the greatest misery upon it. God created angels, and the highest promptly became the prince of devils. God created Adam and Eve to be higher than angels, and the Serpent promptly tempted them and made them fall so deep that Cain is always murdering Abel. Even so, this scheme of social organization, known as the "Varna-vyavasthā", intended to bless mankind, has become a curse, through selfish misinterpretation. The interests of the few have become vested; the interests of the many have become divested. Duty has been forgotten; rights are clamant. Equitable distribution of necessities, comforts, luxuries, has disappeared; inequity reigns. Birth, heredity, caste-name are insisted on; worth, individual aptitude, real vocational classification are thrust aside. The Educator, the Protector, the Feeder, has become the Deceiver, the Oppressor, the Swindler. The trustee has made himself the beneficiary. What was intended for the use of all, has been misappropriated by the few. The most carefully constructed laws can always be and are always

being circumvented, and always split on the rock of character—the character of law-applier, of lawyer, of litigant. The one desideratum always, everywhere, is good character; and that can be created, in all concerned, only by great Spiritual Teachers, primarily, and by spiritual-minded legislators, secondarily, philanthropic, disinterested legislators, who will not fight for any special interests, in the spirit of selfishness, but will concentrate on the right education and the right employment of all, and the promotion of all the just interests of all sections of the people, equally, systematically, comprehensively.

To restore "Varna-vyavasthā" to its true significance and purpose, to re-convert it from the curse it has become into the blessing that it was, Swami Dayanand, the most profound scholar of his day in Vedic literature, re-proclaimed the ancient principle of caste-class by *karma* and not by *janma*; as Buddha, and Mahavira Jina, and other great and venerated reformers, before him, have done from time to time, whenever the exaggeration of heredity, and consequent inequity, became unbearable. Much new light has been thrown by eastern and western orientalist researchers on other aspects of Vedic thought, since the time of Swami Dayanand. But his interpretation of the Vedas, on this point, has not been disproved, has scarcely been challenged, has indeed been confirmed.

The Bill is entirely in accord with that interpretation, which forms a cardinal item in the faith of the Arya Samaj, namely, that caste-class is by occupation, and not by birth. I must not go into further details here. If I had the eloquence to make Mr. Bajoria, Mr. Kabeer-ud-Din Ahmed, and my worthy friend, Mr. Umar Ali Shah, and any other friends here who are not sympathetic to this Bill—if I could make them see that these few principles, which I have indicated, are the real basis of the "varna-vyavasthā", they would at once and gladly cease to object to this Bill, and begin to help, instead of hindering, the Arya Samajists and others, who are endeavouring to re-liberalise and re-rationalise Hinduism, for the promotion of mutual just dealing and good feeling, and the ultimate good of the Indian people as a whole.

Sir, I oppose the amendment, and support the motion that clause 2 stand part of the Bill.

(Mr. Aney at this stage stood up to make his speech.)

Mr. President (The Honourable Sir Abdur Rahim): Today is Friday, and there are only twenty minutes to one. The Honourable Mr. Aney can make his speech after Lunch.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Mr. Deputy President (Mr. Akhil Chandra Datta): Mr. Aney.....

Mr. M. S. Aney (Berar Representative): Sir, it is with a great sense.....

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Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Before you proceed further, Sir, I wish to raise a point of order.

(There was no quorum for a while and the bell was rung ; after the requisite number of Members entered the Chamber, the Deputy President again called on Mr. Ayyangar to speak.)

Mr. M. Ananthasayanam Ayyangar : The point of order is this. This amendment, Sir, cuts at the very root of the principle of the Bill which has been accepted. The amendment seeks to do two things. These are : " Notwithstanding anything contained in the law, usage or contract to the contrary, no marriage.....".

Mr. Deputy President (Mr. Akhil Chandra Datta) : It has been allowed, and it is under discussion for some time past. I am afraid your point of order is too late.

Mr. M. S. Aney : Sir, it is with a great sense of responsibility and regret that I am rising to make a few observations after the House was treated to a very learned discourse by our revered friend, Dr. Bhagavan Das Ji. On very rare occasions this House gets an opportunity of listening to orations of this kind. We are accustomed to listen to mundane things and humdrum affairs, but serious efforts at clarification of essential ideas which are at the root of religious conceptions of the people are very seldom made and such questions are very seldom discussed in this House. This is not considered to be a place fit for carrying on philosophical discussions of this nature, and the House is always ill-prepared for it, and therefore, not only for the inherent merits of the discourse but also for the novelty it has provided, I regard that speech as one of the noblest performances in this House.

Now, Sir, we have been told what are the fundamental conceptions or ideas that govern the conception of " Varna Vyavastha ", as explained by those who have laid the foundation of Hindu sociology and Hindu social structure, and in expounding the theory of " Varna Vyavastha ", my learned friend has given his own interpretation and his own commentary upon certain texts which were referred to in the course of the discussion today. I do not like to go into the academic discussion of such matters. Possibly, I do not feel myself equal to that task. Let me confess that also very frankly. At the same time, I think it is due to the old Pundits, whose views have been controverted here by the learned speaker, that I should make an attempt to show that the views propounded by those old Pundits are not altogether without foundation. Now, what is the exact position with regard to the meaning of the Vedic texts and the real principles that underlie the social structure of " Varna Vyavastha ", it is difficult for anybody to say.....

Mr. Ghanshiam Singh Gupta (Central Provinces Hindi Divisions : Non-Muhammadan) : Is there no difference of opinion between the Arya Samajists and the orthodox Hindus already on the interpretation of the word " Varna ", and are not the Arya Samajists interpreting the word " Varna " as meaning other than by birth alone ? Do not the Arya Samajists interpret the word " Varna " as meaning " Guna Karma " ? If this is a fact, is that not a ground to give them relief ?

Mr. M. S. Aney : My friend is entirely mistaken. Let me make my position quite clear at the very beginning. I am not trying to support

the amendment at all. My point is this. Although, it has been my misfortune to rise several times in the course of the discussion on this Bill, and although I had brought forward several motions myself, I do not want the House to be under the impression that I am opposed to the principles embodied in this Bill. That I have made perfectly clear in my first speech, and I want to make that clear today also, but when certain authoritative propositions are laid down by so eminent a scholar as Dr. Bhagavan Das Ji, I think it is only due to those old Pundits, whose views are controverted here, and whom nobody represents in this House, that I should show to the House that there is also another side to the picture. I do not dispute for a moment that the Arya Samajists accept " Varna Vyavastha " in the particular sense in which it has been explained in the learned discourse which we have heard this morning. Nor do I dispute their right to make the interpretation they make, and from that point of view I don't want to say anything against the Bill, but I am not prepared to say that those who propound the other view are wrong, and that they do so without any foundation.....

Mr. Ghanshiam Singh Gupta : I accept that.

Mr. M. S. Aney : It is only for that purpose I am trying to make a feeble attempt in this House in the name of those old repositories of old learning, which is represented outside, but whose representative is not here, and with due deference to the learned scholars who are here and of whom we have the noblest example here in our revered friend, Dr. Bhagavan Das Ji, in the name of those old Pundits I want to show to the House that there is another side to the picture also. What the Vedas say precisely, I do not know, but it has been the attempt of many modern scholars to show that the present idea of " Varna Vyavastha " as having something to do with the birth of a particular individual has no foundation as a result of any deep research at all. Out of their regard to certain modern principles which have been recognised as sound principles of ethics and universal morality, I say that these modern scholars are carried away more by this doctrine of general morality and accepted philosophical ideas, than by the sense and spirit of the text books. I also think their study of modern ideas gives them a new insight and enables them to see something which probably they could not otherwise see or justify. Thus there is a great likelihood of the texts being viewed in a particular light because of certain new things having been brought to bear upon those who make an attempt to interpret them rather than understand them in the sense they were to be naturally or ordinarily interpreted. This is a possibility which the House should bear in mind. I am not in a position to say definitely which is right. It is difficult to go to the first principles and real objects of the authors of the texts. It has been said without any fear of contradiction that the entire idea of " Varna Vyavastha " having something to do with the birth of a man is a later growth and that it has got no foundation whatever in the Vedas, and the two Shrutis in the Purushasookta have been quoted and interpreted also by my revered friend, Babu Bhagavan Das Ji, to show that the original " Varna Vyavastha " was something different. With due deference to him, I say that " Varna Vyavastha " was probably even considered in the Vedas as having something to do with the birth of a man. It was a kind of status which a man probably acquired at his birth. There are passages in the Vedas which give some ground for a man to propound a theory of this

[Mr. M. S. Aney.]

and Yajnavalkya. It may be that Manu's interpretation may be deemed wrong, by some, it may be something different from that of the Vedas, but there is no gainsaying the fact, if we look at the texts of Manu and the various slokas that he accepts, rightly or wrongly, that the theory of Varna Vyavastha has something to do with the birth of a man, and the whole of the Hindu law is more or less based upon that theory.

Varna cannot be changed from day to day according to the occupation of a man, but Varna is a thing which a man can claim on account of his birth. It is for that reason that rules have been laid down for the son of a Brahmin to be initiated at a particular age, and the son of a Vaishya and of a Kshatriya at a particular age. These have been laid down differently for the different *varnas*. How can you explain them except on the hypothesis that they take *varna* as going along with the birth of a man? It may be that the *varna* may be changed later on on account of the *karma* of a man, in certain exceptional cases, but for a certain stage of his life it is his birth that gives him a certain status which goes by the name of *varna*. I do not want to go into all these things now but I want to say that if you want to be governed by that law it unfortunately claims as its basis the theory of *varna* based on birth. If that central fact is borne in mind then you can understand to what lengths reform. I would have liked Dr. Bhagavan Das to discuss this question more from the practical point of view rather than take us into the higher regions of philosophy where very few of us know how to soar. We have not got those wings and what wings we had, have been clipped now. It is given to very few men like Dr. Bhagavan Das who by dint of their imagination can soar into ethereal regions and move about there for a long time and then come down to earth when they like. We have to move on all fours and we are in the midst of serious difficulties and impediments that are thrown across our way. For ourselves we must go by the idea which has been laid down there. I am perfectly satisfied that the Bill is confined to the particular topic of certain defects and from that point of view if we are going to give some relief to the Arya Samajists I do not understand, with all the admiration I have got for the energy of my Honourable friend, why my friend, Mr. Bajoria, is fighting for this particular amendment in this Bill. If you are prepared to give some relief to the Arya Samajists in the matter of marriage then do not deny that in the case of those marriages which have taken place before. If we leave those as invalid marriages and illegal unions, that is not desirable at all. In order to avoid that unseemly spectacle of men and women moving and living together in intimacy without being legally married and mixing promiscuously, which no moral man can tolerate for one minute, you must find some remedy and get rid of that undesirable spectacle. If you are prepared to make an allowance for and legalise inter-caste marriages, you must also take care of those who have committed that mistake before and do not allow them to suffer permanently for that mistake. So far as not giving retrospective effect to this Bill is concerned, I must say that I cannot be a party to that proposal. With these few remarks I oppose that amendment but at the same time I wish to apologise to the revered Dr. Bhagavan Das for whatever I have said and whatever more I would have liked to say. I would have liked to try to give a definition of religion. I do not want to give the definitions which may

be found in the *Mahabharata* and other books which have little to do with Dharmashastra as such. These are definitions that have to be excluded from our minds. You must go to the fountain-head of *Dharma-Shastra* itself and for that you have to go back to Jaimini. It is a book in which the question of *dharma* is discussed from the scientific point of view. Jaimini defines *Dharma* : "*chodana lakshna arthah*"—what manifests itself as a scriptural command is Dharma. It is on the basis of that that all the commentators later on have expounded their theory and tried to interpret in the light of the canons laid down by Jaimini the various texts of Dharma Shastra and Sutras. I should have liked to expostulate and dilate upon *dharma* in that particular aspect, but I am sure I would have taken this House into a diversion which may not have appealed to them but would have been on the other hand most embarrassing to some of them. I would have made confusion worse confounded rather than added to their light. Already the other day when I made an interruption my friend, Mr. Gadgil, said that it gave more of heat than light.

Mr. N. V. Gadgil : That was about the interruption then.

Mr. M. S. Aney : So I find that even when I want to give light I cannot do it and give only heat. So I do not want to add anything more to the heat of the House. However, my intervention in this debate was mainly to show that although I cannot but admire the great ingenuity with which his theories were expounded by Dr. Bhagavan Das and the support he has got for his fundamental theories and principles, I want this House to bear in mind the fact that the ancient Pandits had theories of their own which can be propounded with equal learning, with equal authority and equal erudition. That is the other side of the picture and they have also a case that can be properly put forth. If I have been able to convey this idea to this House even in a small measure, then I have done my duty. I will conclude in the language of the wizard, the border-minstrel of Scott of old :

"If one heart throbs higher at its sway
The wizard note has not been touched in vain."

Sir, I oppose the amendment.

Maulana Shaukat Ali (Cities of the United Provinces : Muhammadan Urban) : Sir, I have to make just a few remarks which I hope the House will listen with attention. Thank God, there is a great awakening in the country among all its people and they realise that many things had been done in the past to which they object ; many things which they want to put right in their own circles, so that the country may walk along the path of progress. This House and later on the House under the new constitution will have many opportunities of discussing social reform and social Bills and many urgent matters ; correct many mistakes that have been made in the past, concerning Hindus, Muslims and other people. They would like to have these corrected and the law changed so that it would satisfy the convictions of all the people. Even in this Session there are so many social reform Bills, some proposed by our Hindu brothers and some proposed by Muslims, and I want that we in this Assembly should deal with these questions with great respect, dignity and patience. If we go out, and criticise something in the Hindu faith—it is not my faith but there are millions of people in this country who believe in it, it will not be right to interfere. The Quran commands me to respect other faiths. "Lakum dimakun, wa liya din" (to you your faith, to me mine). During

[Maulana Shaukat Ali.]

discussions in this House, there may be things which seem strange to me but they are not strange to millions of people in this country, I should not deal with them with urban levity. I have a perfect right to go and preach and explain my faith and discuss things with people of other faiths so that we may come to a common understanding. But I do not think it is right that when in this House a reform is introduced by people of one faith, the people of other faiths should intervene when it does not concern them at all and say things that will only hurt and probably make things worse for everybody. This is my conviction and I feel I am right and I would like to recommend it to my Muslim and Hindu brethren and to others also. If there is a Bill being brought in by the Muslims and it concerns no one else but the Muslims, then the discussion—if unfortunately there has to be discussion here—must be left to the Muslims to say what they like : and the same if it concerns Hindus or Christians or Parsis. If it does not concern me at all and I do not know anything about another faith, it is futile on my part to attempt to take part in the discussion. I have heard with great respect both my revered brother, Dr. Bhagavan Das Ji, and my friend, Mr. Aney : both have put forth their points of view : it is not for me to intervene as I do not know enough ; it is a matter for the millions who live by these convictions to decide what is best for them. You cannot decide those convictions simply by the votes of a man who may be carried away by the eloquence of one or the learning of another : it should be left to the people of that community to decide in matters of faith. My sympathies may be on one side or the other : there are some social reform Bills which I hope my Hindu brethren will unanimously accept : there are some social reform Bills which I hope will be accepted unanimously by all Moslems. It would not be right for me, though it may appeal to me, to attempt to say anything. It may not appeal to the vast majority of the people who profess that faith ; and I do not think this House and specially people of other faiths should intervene and make things worse for the country, bad as they are today. Therefore in all humility, I suggest that in these matters we should be very careful how we proceed. I have the fullest sympathy with the Arya Samajists in this Bill.

Sardar Sant Singh : What about the amendment ?

Maulana Shaukat Ali : I have got my convictions. Toleration is all very well : toleration means that while you do not throw overboard your own convictions, you respect the other point of view, it means that though you differ from the other man, yet you give him the liberty to live his own life according to his own convictions. I think it will be wrong for any Muslim to go and expect for the sake of personal friendship or political influence that any one should go against his own convictions knowing very well that it was not sanctioned by his faith, just to please the other, from either strength or weakness. I think it would be weakness and I do not want any people to be weak. As far as the Hindus are concerned, the matter must be left over to the Hindus amongst whom are the Arya Samajists. Let them settle it among themselves, and when they have come to a settlement, I shall give them my blessing if it does not hurt me. If I have got any matter of my faith and I come to this House and we the Muslims are agreed outside and inside, then I think others will, if it does not affect them at all, do likewise. But if it affects the faith of any man—Hindu, Christian, Parsi or other, then it is the duty of a

man to speak out honestly and frankly and with conviction. If this Bill was confined only to marriages between Hindus and Hindus, I might have kept back and said nothing because I do not know enough about it and I do not understand and it is not right on my part to intervene, though I may have my own sympathies, to take sides.

Mr. N. M. Joshi (Nominated Non-Official) : What is the amendment ?

Maulana Shaukat Ali : I am only giving general principles—I am not talking on any amendment. My friend (Sardar Sant Singh) asked me "What about the amendment ?" There is an amendment also in the name of Sir Muhammad Yakub and Syed Murtuza Sahib.

An Honourable Member : They are not before the House.

Maulana Shaukat Ali : My friends over there do not understand these things probably : they have no convictions of their own and they think it very nice to laugh over these matters and make jokes about it. But I take it very seriously. I only want to express to my Muslim brothers that in matters coming before this House like this, we must do nothing to make things worse than they are. Let the men who know all about it and whom it concerns settle among themselves ; but others whom it does not affect, let them keep out of it because otherwise they will get what they give and this House will become a cockpit for bickerings and quarrelling. Therefore I do say this : that as far as we Muslims are concerned, if a thing does not concern us, I think we ought to keep quiet and wish the Hindus luck and we hope that they will agree among themselves, and that when the time comes and we ourselves want any mistake corrected then they will give us their sympathy and support as we gave it to them.

Mr. M. Asaf Ali (Delhi : General) : Sir, I move that the question be now put.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

"That for clause 2 of the Bill, the following be substituted :

"2. Notwithstanding any law, usage or custom to the contrary, no marriage contracted after the commencement of this Act between two persons being at the time of the marriage Arya Samajists shall be invalid by reason only of the fact that the parties at any time belonged to different castes or different sub-castes of Hindus or that both the parties at any time belonged to a religion other than Hinduism."

The motion was negatived.

Babu Baijnath Bajoria (Marwari Association : Indian Commerce) : I do not move No. 13. I move No. 14.

Mr. G. H. Spence (Secretary : Legislative Department) : On a point of order. Before the Honourable Member moves No. 14, I ask your ruling whether he should be allowed to do so. The amendment which has just been disposed of sought to make three changes in the original clause. The first was the change sought to be made separately by the Honourable Member's amendment No. 14, the second was the change sought to be made separately by his amendment No. 15, and the third was on another point on which he has not given notice of a separate amendment. I submit that the House did not agree to his making these three changes in the clause, and that he should not be allowed to

[Mr. G. H. Spence.]

effect the same purpose by moving amendments separately. The three points have been disposed of by the amendment which has been discussed, if I may say so, *ad nauseam*, and which has been negatived, and I submit that he should not be allowed to bring them up again separately by separate amendments.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Before we come to amendment No. 14, there are two other amendments. Mr. Kazmi, No. 1 in the Supplementary list.

(The Member was absent.) ?

Then we come to amendment No. 14 on the original list to which objection has been taken.

Babu Baijnath Bajoria : My amendment No. 12 wanted to consider changes in the Bill. First was about this retrospective effect and then there was that "either or both of the parties at any time belonged to a religion other than Hinduism". The House has not accepted the whole amendment as I have it in No. 12. This amendment No. 14 only wants that retrospective effect should not be given. The House may agree to retrospective effect not being given, and so I think the amendment is in order.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : The amendment is entirely out of order. If you will look at the clause itself and compare it with the language of the amendment No. 12, you will see that exactly these words had been omitted from the body of the clause. The clause as it is runs thus :

"Notwithstanding any law, usage or custom to the contrary no marriage contracted whether before or after the commencement of this Act...."

That is how this clause runs. Now, kindly look at the amendment :

"Notwithstanding any law usage or custom to the contrary, no marriage contracted after the commencement of this Act...."

That is, the words "whether before or" have been omitted from the original clause, and now he wants by No. 14 to omit the same words "whether before or", which cannot be allowed, amendment No. 12 having been negatived.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Amendment 3 P.M. No. 14 is covered by amendment No. 12 which has been disposed of. Therefore, it is out of order. So also amendment No. 15. Nos. 3 and 4 on the supplementary list also go. Amendment No. 16 on the original list.

(Mr. Kazmi was absent.)

Amendment No. 17. Sir Muhammad Yakub.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions) : Muhammadan Rural) : Sir, I move :

"That in clause 2 of the Bill, the words "or that either or both of the parties at any time belonged to a religion other than Hinduism" be omitted."

Mr. Deputy President, we are now at the threshold of a very historic turning point in the annals of the British Empire in India. The

new reforms will soon be ushered in, which it is expected will give some responsibility, at least in the provinces, to the people of this country.

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhammadan Rural) : You will be disappointed.

Sir Muhammad Yakub : I have been disappointed with you all so many times that I will not care for any other disappointment, but I appeal to you that you will let me speak and not be impatient.

(At this stage, Mr. Paliwal interrupted.)

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member should not interrupt. Let the speaker go on.

Sir Muhammad Yakub : Let us not, therefore, at this stage create an impression in the minds of any section of the people in this country that when democracy takes its roots in India the minorities will suffer at the hands of the majority. Let us not create any impression in the minds of any section of the people that their religion or their religious rights will be interfered with by a mixed Assembly like this. Let us not create the impression that the solemn pledges which were given to the people of this country by the late Queen Victoria in 1858, that the religions of the people would be respected and that in matters of marriage, dowry, inheritance and other matters of this nature they would be governed by their own laws.

Pandit Lakshmi Kanta Maitra : That is more honoured in the breach than in the observance.

Sir Muhammad Yakub : Let us not create any impression like this.

Sardar Sant Singh : May I interrupt my Honourable friend....

Sir Muhammad Yakub : I do not give way, I do not want to give way. My Honourable friend, Sardar Sant Singh, made a very sweeping remark this morning in his speech, in fact, he was treading on very dangerous ground when he said that there must be a uniformity of religious laws for all the people inhabiting this land. It may be so in the case of those who believe in man-made religions, but we the Mussalmans do not believe in man-made religion. We believe in a religion which our Apostle brought from God, and we still believe that—

"*Lā ratābin wa lā yubīn illa fee kitabim mubeen*"

"There is nothing dry or wet on the face of this earth which cannot be found in the Holy Quran."

Therefore, whatever may be the feelings or whatever may be the ambitions of the so-called reformers, we the Mussalmans in matters of our religion do not want that any reform should be introduced in our religion, through any legislation, on the floor of this House, which is a mixed Assembly. So far as caste or creed is concerned, we believe in none. Islam was the first religion which introduced the principles of equality of human race on this earth. Our Holy Quran says :

"*Inna akramakum indalāhe atakum.*"

"The most superior man amongst you is one who is most virtuous among you."—to whatever class he may belong. We believe in no caste. Even a Muslim sweeper can stand shoulder to shoulder with the highest amongst us in a mosque and offer prayers. So far as social reform is concerned

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and so far as equality of human race is concerned, I can say, with pride, that Islam still goes ahead of every social reformer in this world. The rights and privileges which we have given to women, no other religion, and no social reform has yet been able to give them up to this time.

Mr. K. Ahmed : What about purdah ? (Laughter.)

Sir Muhammad Yakub : Islam was never vanquished by any other people, but we have always suffered at the hands of the ignorant amongst ourselves, and, therefore, let us not look at the man says Ali, but look at what the man says :

"La tanzur elamanqāli va Lakinn unzur ela maqal."

We must see what is said and we must not look at the man who utters something from his mouth without knowing what it means.

Now, Sir, as regards marriage reforms also we have got no restrictions. A Muslim can marry a woman of any caste, and then we have been told—

"Va aasheruhunna bil maroof."

'You must treat your women with kindness and politeness.'

So far as treatment of wives or women is concerned, we do not want any social reform from anybody outside our own religion.

Now, Sir, as regards adultery, I must say....

Mr. N. M. Joshi : On a point of order. May I ask you whether we are not entitled to ask the Member to speak to the amendment ? We have not heard anything about the amendment so far.

Sir Muhammad Yakub : You have not yet heard me speak, and, therefore, you do not know what is relevant.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Much more latitude has been given to speakers, and, therefore, I do not think I should stand in the way of the Honourable Member.

Sir Muhammad Yakub : We heard Dr. Bhagvan Das giving a nice lecture on this point. What I wanted to say is that adultery is considered as the worst of crimes in the eyes of Islam, even a greater crime than murder, and the punishment which Islam inflicts for adultery is much greater and more severe than the punishment which Islam ordains for a murderer. So much for reforms in our religion. Now, we Mussalmans do not want that our religion should be interfered with in any way by any piece of legislation in this House. We will not come in the way of any community, or section of the people who think that their religion needs reforms at the hands of this Assembly. We do not want to become a stumbling block in the progress of anybody in this House. Now, the Bill as it runs has created a grave doubt in the minds of the Muslims that this Bill when it is put on the Statute-book will cover the cases of the Mussalmans, and also of Christians, Jews and other non-Hindus. The words are "or that either or both of the parties at any time belonged to a religion other than Hinduism". Islam, Christianity and Judaism are all religions other than Hinduism and therefore it is quite clear that all the people belonging to any of these religions will come within the mischief of this Bill. I am not alone in the view which I have taken on this question. Some great Muslim jurists, like Mr. Justice Niamatullah of

the Allahabad High Court, who has a reputation for being a great constitutional lawyer, hold the same opinion. He says, giving his opinion on this Bill :

"The Bill, as it stands, aims at much wider scope being given to the proposed legislation. Section 3 provides that the marriage of an Arya Samaj, apparently male or female, with a person of 'different religion' shall be valid, any law or usage or custom to the contrary notwithstanding. It follows that the personal law of all other communities is to be abrogated in cases of mixed marriages of the kind this Bill seeks to legalise. A marriage between a Muhammadan or Christian and an Arya Samajist is to be deemed to be valid in case the inheritance from the Muhammadan or the Christian is in question. According to the personal law of the propositus the rule of inheritance applicable in his case excludes the husband or wife as the case may be and the children born of such union but this Bill would so far supersede that law as to make the marriage valid and entitle the husband or wife and the offspring of that marriage to inherit. I entertain serious doubts if the other communities will agree to their own laws being interfered with in the manner desired by the mover of the Bill."

Mr. Ghanbham Singh Gupta : Is this the opinion given by the Judge on the Bill as introduced or on the Bill as it was introduced by Mr. Mukhtar Singh ?

Sir Muhammad Yakub : Unfortunately, as I complained on the floor of the House, this Bill was never circulated for obtaining public opinion, which ought to have been done, but in this respect clause 2 of the present Bill and the provision in Mr. Mukhtar Singh's Bill are the same and therefore the opinion expressed by the learned judge is equally applicable to the present case.

Mr. Ghansham Singh Gupta : Will the Honourable Member read from Mr. Mukhtar Singh's Bill ?

Sir Muhammad Yakub : I have read that. Later on Justice Niamat-ullah says :

"On the whole I do not think any legislation on these is called for. Under the existing law civil marriages are permissible within certain limits on certain formalities being observed. Marriages between persons of different religions should be in accordance with that law. As for Arya Samajists belonging to different castes a properly drafted Bill will have to be introduced ; the present one cannot be so amended as to make it innocuous."

With your permission, I will now read a small passage from the opinion of the Chief Justice of the Allahabad High Court, the Honourable Mr. Justice Sir Shah Sulaiman. Let us see what he says. This is on page 7 of the Opinions :

"The draft Bill goes beyond the Statement of Objects and Reasons. While the latter as explained in the speeches is confined to followers of the Hindu religion, clause 3 would apply to people belonging to other religions also. Even assuming that the Bill would be modified so as to apply to Hindus exclusively, the proposed enactment would be unjust to the members of the other religious persuasions. It seems unfair to lay down that a member of a family of a relative dependent on or a person under the guardianship of any Arya Samajist should necessarily mean an Arya Samajist for the purposes of this Act."

and then, again, he says something about clause 3, with which we are not dealing at present. Then, Sir, at the end of the page he says—

"Clause 3, if enacted, would also be in conflict with other religious laws and will abrogate them. I am therefore strongly opposed to the Bill in the form in which it stands at present."

Then, Sir, the late Mr. Justice Mohammad Raza, a Judge of the Chief Court, Lucknow, also says :

"I am not in favour of this Bill."

[Sir Muhammad Yakub.]

Then, Sir, this is an opinion from the Bar Association, Merkara : it is printed on page 5 of the opinions.

" But the Bill, as it is drafted, does affect other communities and their laws and in the guise of giving validity to the marriage of Arya Samajists, the interests and laws of other communities should not be affected. As the marriage has to get validity from legislation, it has to be found out whether according to the usage of Arya Samajists the marriage is only a contractual relationship, revocable by either husband or wife or both, or a sacrament lasting for ever, as among high-class Hindus, and, if the former, proper laws for the dissolution thereof should also be provided in the Act itself, for it to be a self-sufficient Act. Further, apart from the status of marriage as according to Arya Samajists even a Muslim woman can become a convert to an Arya Samajist, and as many women are sharers of residuaries in Muhammadan law, and as they will lose their rights to the properties by succession on account of Act XXI of 1850, and even their children or other heirs will be entitled to claim their shares, provisions have to be made in the Bill for inheritance, as different religions have different system of inheritance."

Then, Sir, on page 4 there is the opinion from the Chief Commissioner of Coorg. He says :

" The Bill in its present form affords undesirable opportunities to unscrupulous persons to take advantage of its provisions."

Exactly what we are afraid of !

Then, Sir, from the North-West Frontier Province, which is a pre-eminently Muslim Province, we have got the following opinion : this is from the Chief Commissioner of the N.-W. F. Province, published on page 2 of the Opinions.

Dr. Khan Sahib (North-West Frontier Province : General) : There is no Chief Commissioner now.

Sir Muhammad Yakub : There was a Chief Commissioner when these opinions were obtained ; that was in 1931. Let me remind my friend that these opinions were collected on Mr. Mukhtar Singh's Bill. The Chief Commissioner says :

" As it stands, it (the Bill) has aroused considerable resentment in the Muhammadan community owing to the existence of the words ' or to different religions ' in section 3."

It has been taken that these words will validate the marriage of an Arya Samajist and a Mussalman woman—a marriage which is prohibited by Muhammadan law. This is not I think the intention of the drafter of the Bill, nor can it be properly read into the wording of clause 3. This clause should, in my opinion, however, be re-drafted in order to remove any possible objection.

Mr. Ghansham Singh Gupta : Will you please read the suggested redraft ?

Sir Muhammad Yakub : Probably you can do it ; I need not take much time of the House. So far as the records of the opinions which have been collected are concerned, and as I have also submitted, a very large number of the Mussalmans did not take any interest in this Bill and did not care to give their opinions because, obviously, they thought they were not affected, and they were in fact misled by the heading of the Bill they thought it did not concern them and that therefore they need not go into its details. Since this Bill has been debated on the floor of this House, I have seen a number of Muslim vernacular papers in

which the Ulemas or the jurists of Muslim law have expressed grave doubts about the applicability of this clause to the Muslims, and we, the Muslim representatives in this House, have been asked to take care that the Bill should not be passed in a form which might arouse any suspicion that it would affect their religion. It may be said, Sir, that this word is here and that word is there and therefore it will not affect Muslims or that it will not place the Muslims in a worse position than they are in at present. But I submit—" why do you add another avenue for suspicion ? " Why create the feeling in the minds of Muslims—they may be wrong but the feeling is there, and the feeling is—that when democracy will be introduced in this country, when matters will be decided by the raising of hands or by casting votes in the lobby (Laughter), not only the political and social rights of Muslims but also their religion will be interfered with ; and this is a great impediment to the progress of our country. It retards our progress ; its effect is that both the communities cannot march shoulder to shoulder towards their united goal. It is on account of these suspicions that instead of going nearer and nearer to our political goal we are going farther and farther every day. Therefore, I humbly, and most sincerely, appeal to my brethren, belonging to the majority community, that they should have a little toleration. We are a conservative people and we do not want to become reformers. It may not be a reality but why should anything be done which might create any suspicion in the minds of the Mussalmans. The Mussalman is very touchy about his religion. Therefore, why should you do anything which will create any suspicion in the mind of the Mussalman that his religion will not be safe when democracy rules over this land.

Now, Sir, I want to say a word about the attitude of the Government. I submit, as I submitted the other day, that Sir B. L. Mitter on behalf of the Government laid down the policy of the Government in matters like these. With your permission I will read a few lines from what Sir B. L. Mitter said. He made these remarks in the debate on the Special Marriage (Amendment) Bill and they will be found in Volume I of 1931 of the Assembly Debates, page 595. This is what he said :

" It is a fixed principle of the Government of India not to interfere in any way whatsoever with the personal laws and customs of the different people of India unless they have very strong and conclusive evidence that the change is desired by the people who are affected."

Now, Sir, I would request the Government, through you, to tell me if there is any conclusive evidence that the people, even the Hindus, who are to be affected by this Bill, are unanimous. The way in which my learned friend, Mr. Aney, has advocated the cause of ancient Hinduism and the way in which my friend, Mr. Bajoria, has fought for it....

Mr. N. V. Gadgil : He is also learned.

Sir Muhammad Yakub : Of course, he is learned in his own line ; he knows something about the old teaching of the Hindu religion. He may not claim himself to be a reformer and he may not be one of those who want that the old principles laid down by Manu should be tampered with in this Assembly at the hands of my friends over there. So, Sir, the way in which Honourable Members have spoken, against each other, clearly shows the way in which the wind is blowing. It clearly shows that there is a great divergence of opinion amongst the Hindus themselves about this Bill. Therefore, the Government can never be justified

[Sir Muhammad Yakub.]

in supporting a measure which, instead of creating harmony, is calculated to create divergence and disunity among the different sections of the community.

Then, again, only in 1934, when the Temple Entry Bill was introduced in this House, the same principle was repeated by the Honourable Sir Henry Craik, the present Home Member of the Government of India. His remarks will be found in Vol. 8 of the Assembly Debates of 1934, page 2011. He said :

“ Further, we oppose the Bill on the ground that it is contrary to the wishes of the great majority of the people whom it will affect and that it has only the lukewarm support of the people for whose benefit it is ostensibly intended.”

Exactly the same is the case with this Bill. It is only for the purpose of satisfying a handful of that section of the Hindus, who call themselves Arya Samajists, that this Bill has been brought forward in this House and I submit that it is not right and proper for the Government to support a measure like this. As my learned friend, Mr. Shankat Ali, has just explained to the House, in matters like this Honourable Members belonging to another religion should not interfere in matters which do not relate to their religion. If the Bill were confined only to the Arya Samajists, I would have been the last man to come in the way of its progress. I would again appeal to my friends through you, Sir, that they should not bring forward measures like this in this House. These small and ticklish matters have become the stumbling-blocks in the way of our progress and therefore for goodness' sake do not create an unhealthy atmosphere for the establishment of democracy in this country and do not insist upon passing the measure in the form in which it has been placed before this House. With these words, I commend my amendment for the acceptance of the House.

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

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

“ That in clause 2 of the Bill, the words ‘ or that either or both of the parties at any time belonged to a religion other than Hinduism ’ be omitted.”

Mr. M. Asaf Ali : Sir, I had not the slightest desire to intervene in this debate until I heard my learned friend, Sir Muhammad Yakub, proposing his amendment. As a matter of fact, I thought that it was a measure which was entirely and exclusively the concern of the Hindu community—in fact, not even of the Hindu community but only of the Arya Samajist community. But it appears that somehow not only the Hindus, who are not Arya Samajists, have taken a deep interest in it but even my learned friend, Sir Muhammad Yakub, has found something in it which he considers objectionable, and, therefore, he has proposed his amendment. Confining myself entirely and absolutely to the amendment proposed by Sir Muhammad Yakub, I would like to draw the attention of the House to the actual wording of the Bill which is now before the House and I would like to compare it with the wording of the Bill on which opinions were invited some time ago and to which

reference has been made by Sir Muhammad Yakub. Originally, I understand, it was Chaudhry Mukhtiar Singh who sponsored a Bill along the same lines. Clause 3 of the former Bill ran as follows :

“ No marriage of an Arya Samajist shall be invalid by reason of the couple having belonged to different castes or sub-castes of Hindus or to different religions, any law or usage or custom to the contrary notwithstanding.”

Now, it is perfectly obvious that this clause as it stood at the time, it was certainly objectionable because according to this clause one party to the marriage might have been an Arya Samajist and the other party might belong to any other religion.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways) : Does it not refer to marriage between two Arya Samajists ?

Mr. M. Asaf Ali : It says : “ No marriage of an Arya Samajist shall be invalid by reason of,” etc.

The Honourable Sir Muhammad Zafrullah Khan : I beg your pardon.

Mr. M. Asaf Ali : It is perfectly obvious that according to the old Bill one party might have been an Arya Samajist and another might have belonged to some other religion, and therefore it was certainly objectionable. That is why all the opinions which my Honourable friend, Sir Muhammad Yakub, has recited or quoted in this House are inapplicable because the clause as now drafted stands as follows :

“ Notwithstanding any law, usage or custom to the contrary no marriage contracted whether before or after the commencement of this Act between two persons being at the time of the marriage Arya Samajists.....”

In other words, the two persons contemplated by this clause must be Arya Samajists at the time of marriage. Only their marriage will be considered valid.

Sir Muhammad Yakub : A convert Muslim woman when she becomes an Arya Samajist, her marriage would be valid ?

Mr. M. Asaf Ali : There is nobody to prevent my Honourable friend or any other person from becoming an Arya Samajist. If a genuine convert at the time of the marriage happens to be an Arya Samajist and the other party also is an Arya Samajist, I see absolutely no objection whatsoever to this Bill from the point of view of a Muhammadan. I do not see how the Muslims or any other persons come into the picture at all. In fact, I think all the objections raised by my Honourable friend, Babu Baijnath Bajoria, and even the objections—and here I am speaking with great deference to the opinions held by my Honourable friend, Mr. Aney—expressed by Mr. Aney have no force, I say that even the Hindus do not come into the picture at all. The general body of Hindus do not come in at all, it is only the Arya Samajists who are concerned.

Babu Baijnath Bajoria : What is the definition of a “ Hindu ” ?

Mr. M. Asaf Ali : The Honourable Member does not come into it at all. It refers only to two Arya Samajists at the time of marriage, who want to see that their marriage is considered valid simply because they happen to be Arya Samajists at the time. There is no other point involved in it and all the amendments now proposed are beside the point. All the amendments are merely the result of suspicion, a suspicion which is not based on reason. I really fear that we have wasted two

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valuable days which might have been devoted to some better work, which might have been devoted to the consideration and perhaps the passage of other social measures. Due to this unnecessary suspicion, we have wasted two precious days.

Mr. K. Ahmed : What is the significance in the expression "before or after" ?

Mr. M. Asaf Ali : Before or after makes absolutely no difference whatever. If the Honourable Member is a lawyer—I believe he is a lawyer, at any rate he claims to be a lawyer of some eminence—he ought to read this clause a little more carefully, and arrive at the conclusion to which any other lawyer, would come if he knows what law means, what legal language means. I will now read the clause for the benefit of those Honourable Members who still seem to have a lurking suspicion in their minds. Clause 2 reads :

"Notwithstanding any law, usage or custom to the contrary no marriage contracted whether before or after the commencement of this Act between two persons being at the time of the marriage Arya Samajists shall be invalid or shall be deemed ever to have been invalid by reason only of the fact that the parties at any time belonged to different castes or different sub-castes of Hindus....."

Now to my mind it is perfectly clear that.....

Major Nawab Sir Ahmad Nawaz Khan (Nominated Non-Official) : May I ask the Honourable Member some explanation for this. What is the special significance of the phrase 'either or both of the parties at any time belonged to a religion other than Hinduism' ? Does it not affect Islam, Christianity and other religions ? If those words do not affect the other religions, then we have no quarrel with the Bill. If they do affect other religions, then what is the use of retaining those words ?

Mr. M. Asaf Ali : I welcome this question because it only enables me to elucidate the point a little further. I would request the Honourable Member to listen to me a little patiently. I shall try my level best to explain to the best of my ability the significance of these words, whether I succeed in convincing my Honourable friend or not is a different matter. Now, Sir, I was just saying that to my mind it is perfectly clear that if the Honourable the Mover of the Bill had omitted those words, 'by reason only etc.', he would really have avoided a great deal of controversy. In no way to my mind the omission of those words reduces the value of the Bill or in any way reduces the scope and the object the Mover had in his mind. But taking these words, as they are, they are purely explanatory and nothing more.

Sir Muhammad Yakub : Then, better omit those words.

Mr. M. Asaf Ali : It is no use deleting them now. The Government have accepted it and the Government are supporting the Bill.

Sir Muhammad Yakub : Then anything that the Government accept, you will accept.

Mr. M. Asaf Ali : The day is not far when we ourselves may be the Government and you may have to do what you are doing now.

Sir Muhammad Yakub : If you bring forward Bills like this, you never reach your goal.

Mr. M. Asaf Ali : I need not pay any more attention to that. I am addressing myself now to the particular portion of this clause to which my attention was drawn by my Honourable friend, Major Nawab Ahmad Nawaz Khan. The clause says :

".... two persons being at the time of the marriage Arya Samajists shall be invalid or shall be deemed ever to have been invalid by reason only of the fact that the parties at any time belonged to different castes or different sub-castes of Hindus or that either or both of the parties at any time belonged to a religion other than Hinduism."

They might be converts from Islam or from Christianity or from any other religion, but at the time of contracting the marriage both of them must be Arya Samajists, genuine or otherwise.

The Honourable Sir Muhammad Zafrullah Khan : May I ask the Honourable Member purely for the purpose of elucidation, not for the purpose of heckling or trying to create any difficulty. Perhaps it may be that the Honourable Member who is now speaking on the matter may not be able to give a categorical reply to what I am about to ask him in which case some subsequent speaker might be able to give me an answer. The Bill as it appears to me is mostly declaratory in character. What is the position at present of a marriage of that kind. Supposing this Bill were not to become law, would a marriage between two Arya Samajists, that is to say, persons who at the time of the celebration of the marriage are Arya Samajists, but one of whom or both of whom at some prior period were adherents of other religion, would such a marriage under the present law be a valid one or not, because if it is valid, then this portion of the clause merely places the matter beyond doubt, it declares that it shall be deemed to be valid. If such a marriage is not valid, then this clause effects a change in the law, though I do not for one moment contend that that affects the line of argument which the Honourable Member is pursuing.

Mr. M. Asaf Ali : Sir, the point just now raised by the Honourable the Commerce Member really deserves fuller consideration and I daresay some one who knows Hindu law better than I do will be able to explain it a little better. But so far as I know the principles of Hindu Law, a marriage between an Arya Samajist and a convert from another religion may not ordinarily, according to Hindu law, be considered valid. It would not be valid.

Several Honourable Members : It would be valid.

Mr. M. Asaf Ali : Even if it is valid I believe it would be open to certain doubts. Now at any rate in so far as the question of caste and sub-caste and different castes is concerned, it is perfectly clear that a marriage between a higher caste woman and a lower caste man would not be valid. That is perfectly clear. In fact I am aware of more than one case among my own Arya Samajist friends, who are in that awful predicament today. Their marriages were celebrated; the wife happened to be a Brahmin and the husband happened to be a kshatriya, but their marriage was not considered valid. The result is that the children of that marriage today are in the most awful predicament. It is for that reason that I believe this Bill has been sponsored. It is only with a view to dissipate certain other doubts which may arise with regard to marriages between Arya Samajists on one side and a convert from another religion on the other side, it is only for that purpose that this declaratory

[Mr. M. Asaf Ali.]

measure is being sought. That being the case, as far as I can see, Muhammadans do not come in anywhere except in one way, and I should like to say a word about that. Perhaps Sir Muhammad Yakub and the other Muslim Members of this House are aware of the little fact that a number of Muslim women have at times sought the aid of the Arya Samaj for the purpose of securing a dissolution of their own marriages, because the existing Muslim law does not allow *Khula*. (Interruptions from all sides and cries of "It does.") I should just like to say one word. I have been a practising lawyer for the last 25 years, and I know more cases than can possibly occur to the gentlemen who have interrupted me. They have sought colourable conversion merely for the sake of securing a dissolution of their marriage.

An Honourable Member : Can you cite cases ?

Mr. M. Asaf Ali : I do not propose to take any notice of interruptions by laymen who do not seem to be aware even of the miseries from which their own women folk have been suffering for a long time. In a case like that the question is a very simple one. Conversions of that nature are open to two constructions. According to the Bokhara school of Muslim law even such conversions will not dissolve the marriage. But unfortunately the prevalent law today in India is different and according to the Anglo-Muhammadan law and the prevalent Muslim law of India such conversions do dissolve the marriage ; and that is why women more often have sought the aid either of the Arya Samaj or of Christianity or any other proselytising religion in order to be able to get rid of their misery. In a case like that there is no danger and this is a point which I should like to bring home to my Muslim friends. In a case like that there is no real danger because all these conversions are really colourable conversions. They are not genuine, *bona-fide* conversions. And in the case of colourable conversions the Courts have always held that the original marriage is not dissolved. Now, that is one point of view ; but that happens if the marriage is dissolved ? The colourable conversion goes by the board, they go back to their religion and they are just as good Muslims as they used to be before. There is no danger there ; but if there is a genuine conversion to Arya Samaj, I really honestly do not see how you can possibly prevent it merely by saying, "Please do not have this law". It is merely declaratory ; it does not in any way touch Muhammadans at all.

Maulana Shaukat Ali : Yes, it does. You may not stop conversions, but you should not encourage them.

Mr. M. Asaf Ali : I am not suggesting for a single moment that it should be encouraged. On the contrary I hold that under this law.... (Interruptions from all sides). If only Honourable Members will kindly listen to me, all their doubts will be dissipated.

Sir Muhammad Yakub : Now, my Honourable friend will realise how difficult it is to speak when speakers are interrupted. (Laughter.)

Mr. President (The Honourable Sir Abdur Rahim) : I think any Honourable Member on any side of the House should be allowed to go on with his speech without being interrupted.

Mr. M. Asaf Ali : I thank you, Sir, but I can assure Sir Muhammad Yakub that I do not mind these interruptions. In fact, every interruption is giving me an opportunity of explaining away further doubts. I am not losing my temper over it although other Members when they are interrupted unnecessarily lose their temper.

Now, Sir, Maulana Shaukat Ali has just raised a point that although we cannot prevent such conversions but we should not encourage them. I entirely and absolutely agree with him. As a matter of fact I hold certain views to which I should not like to give expression here now because it is no occasion for giving expression to those views. But today we are concerned only with this law. We have only to scrutinise it from that point of view, and I assure you that I have gone through this Bill most carefully. I have looked at it from time to time ; I have tried to look into every possible doubt which has been raised by any gentleman, and I declare without the slightest possible hesitation that the Mussalmans come in nowhere, it does not touch them anywhere. It is as clear as daylight to me that this Bill does not bring in the Muslims anywhere because it definitely declares that both parties must be Arya Samajists at the time of the marriage. If both parties have to be Arya Samajists at the time of the marriage I do not see where we come in. With these few words I oppose the amendment.

Sir Muhammad Yakub : Sir, before my Honourable friend sits down will he be good enough to answer one question ? Will the objects of the Bill be defeated and will it in any way defeat the cause of the Arya Samajists if my amendment is accepted ?

Mr. M. Asaf Ali : My answer to that question is that it does not rest with me to accept that amendment and even if I accepted that amendment it would not in the least little degree, to my mind, injure this Bill. I quite agree. But there is another reason why I oppose this amendment, and it is this. It appears to me to be perfectly superfluous. Just as this portion of the Bill is superfluous this amendment is also superfluous and I see no reason why that particular amendment should be supported.

Maulvi Syed Murtuza Sahib Bahadur (South Madras : Muhammadan) : Sir, a strong case has been made out by my Honourable friend, Sir Muhammad Yakub, in support of his amendment which I whole-heartedly support. It is to be regretted that my Honourable friend, Mr. Asaf Ali, has tried to weaken the case of the amendment by opposing it. He has laid stress on one point "at the time of the marriage" : he repeatedly said "at the time of the marriage both parties should be Arya Samajists". But he did not lay stress on the following words "or that either or both of the parties at any time belonged to a religion other than Hinduism".....

Mr. N. M. Joshi : What has that to do with this Bill ? Why do you not explain that ?

Maulvi Syed Murtuza Sahib Bahadur : I say this affects Mussalmans as well as Christians.....

Mr. N. M. Joshi : How does it affect ? Explain it to us.

Sir Muhammad Yakub : Because they are non-Hindus.

Maulvi Syed Murtuza Sahib Bahadur : They do not come under the category of Hinduism. Supposing an Arya Samajist woman embraces Islam after her marriage and she gets herself married to a Muslim, what about that case? According to this Bill her previous marriage is valid....

An Honourable Member : No. Both must be Arya Samajists.

Maulvi Syed Murtuza Sahib Bahadur : At the time of the marriage she was an Arya Samajist ; but afterwards she became a Muslim by embracing Islam and she gets herself married to a Muslim ; according to this, the first marriage is valid ; whereas according to Islamic law it becomes invalid. (Interruption.) Who says "No"?

Mr. N. C. Chunder : It has to be invalidated in a particular form.

Maulvi Syed Murtuza Sahib Bahadur : The same is the case when an Arya Samajist embraces Islam after his marriage with an Arya Samajist woman. He will be prosecuted for bigamy if he takes a second wife and when he cannot have the first wife as his legal wife according to Islamic law because she is not a Mussalman. Therefore, in such cases, I do not know how my Honourable friend, Mr. Asaf Ali, will reconcile himself to the latter part of the section. It affects the Muslims to a great extent. In this connection I have to say something regarding the speech made the other day by my Honourable friend, Dr. Bhagavan Das. When refuting Sir Muhammad Yakub, he said that one of the Maulvis had said that the recital of the second part of Kalma, i.e., "*Muhammadur Rasoolullah*" is not essential. I should inform the House and the Doctor that that is a very wrong information. The second part of the Kalma "*Muhammadur Rasoolullah*" is not only essential but also indispensable. We are worshippers of only one God : that is the purport of "*La Ilaha Illallah*" and we are the followers of Muhammad as he is the messenger of God. Therefore one is as indispensable as the other. Another thing he said was that by saying "*La Ilaha Illallah*" he may call himself a Muslim....

Sir Muhammad Yakub : Who said that?

Maulvi Syed Murtuza Sahib Bahadur : Our Honourable Colleague, Dr. Bhagavan Das. He said, "by reciting '*La Ilaha Illallah*', I become a Mussalman". That is an erroneous notion. He may, by reciting "*La Ilaha Illallah*" and believing in it to be true, come under the category of Mavahhideen that is, believer in the existence of one God. He may become a Monotheist, but not a Muslim. Then my Honourable friend repeated a verse and said it was a saying of the Prophet. It is a Qoranic verse and not a saying of our Prophet which runs thus : "*Likulli Qaumin had*".

As regards our friend, Mr. Kabeer-ud-Din Ahmed, he interrupted our Honourable friend, Sir Muhammad Yakub, saying, "What about *Purdah*?" which was quite irrelevant.

Mr. K. Ahmed : I did not mean anything. Go on. (Laughter.)

Maulvi Syed Murtuza Sahib Bahadur : There is no such thing as *purdah* in Islam : the very word *purdah* is Persian ; he should know that this thing came from Persia ; but we have got a verse in Koran, relating

to *hijab*, i.e., modesty. He should know that the Koran teaches, our women to be *Mahjoob* that is, modest. Ladies must therefore be modest : *purdah* or *ghosha* are Persian words : they are not Arabic words and Mr. K. Ahmed should know that our fountainhead is Arabia and not Bengal or any such place. (Laughter.) Sir Muhammad Yakub has rightly said : "*Man az beiganagan hergiz nanalam, ke baman her chai kard an ashna kard*".

Mr. Kabeer-ud-Din Ahmed poses himself as an authority on *Purdah* when the Arya marriage question is taken up such interruptions are quite undesirable. If he wants to have a controversy regarding *Purdah*, he may have a separate meeting altogether for the purpose.

So far as our attitude is concerned towards the Bill, I have to say that we are quite for the Bill. So far as the Sanatanists and Arya Samajists are concerned, it is their business to decide the question for themselves. We would have remained neutral, and if we had seen a majority in this House supporting this, we might even have supported it. But the latter portion of the Bill compels us to oppose it. So I ask the Mover of the Bill to do away with the latter portion which as Mr. Asaf Ali has observed does not at all affect the Bill. I would therefore request our friends the Mover and supporter to see their way to delete the words I have mentioned, "or that either or both of the parties at any time belonged to a religion other than Hinduism". With these words, I support the amendment.

Syed Ghulam Bhik Nairang (East Punjab : Muhammadan) : Mr. President, I rise to support the amendment moved by my Honourable friend, Sir Muhammad Yakub. When this Bill was originally introduced in this House it formed part of a series of similar Bills intended to remove certain disabilities which, under the existing interpretation of Hindu law, prevailed among our Hindu brethren. For instance, you will find on the agenda paper for today some other Bills entered. One is by Dr. Deshmukh to amend the Hindu law governing Hindu Women's right to Property, another is by Mr. Ghansham Singh Gupta to remove certain disabilities in respect of the power of transfer or will by a member of a joint Hindu family, a third is by the same gentleman, a Bill to secure a share for Hindu widows in their husbands' property, and so on. All these things, on the face of it, concern the Hindu community and do not in the least touch any other community and therefore from the point of view of all non-Hindu Members of this Assembly they are things which it is the concern of Members representing the Hindu community to discuss and settle between themselves. Some of them may choose to support those Bills, others may choose to oppose them, amendments may be moved by Members of their community, and finally the fate of the Bill may be decided and should be decided in accordance with the prevailing opinion of the representatives of the Hindu community. Exactly the same was the view which we all took of the Arya Marriage Bill as it was originally introduced, so much so that, as I happened to attend this Session of the Assembly very late in the day indeed, I was told the other day by a friend before I had come to Simla, that I was very urgently needed at Simla because there was the Arya Marriage Bill under discussion. I said, "How does that concern my presence at Simla? It is a matter which concerns the Arya

[Syed Ghulam Bhik Nairang.]

Samajists and the Hindus generally. Let them settle. My presence is not needed either to oppose the Bill or to support the Bill." That was our point of view, but then I was told at once that I was ignorant of what had happened in the Select Committee and that the form now given by the Select Committee to the Bill was such that the Mussalmans could not take up the position that they were not affected. On an examination of the Bill, to my surprise and regret, I find that that is the position. I am extremely sorry, I must say on the floor of this House, that a gentleman of the position of my Honourable friend, Mr. Asaf Ali, should have taken up the position which he did today, of acting as a judicial authority on the merits of the debate concerning the amendment proposed by my Honourable friend, Sir Muhammad Yakub. He has delivered authoritative judgments, he has claimed knowledge which I am sorry to have to say he does not possess. Yet what is the effect of his speech? They will say, "Sir Muhammad Yakub moved an amendment. He was a Muslim. Mr. Asaf Ali opposed it. He is a Muslim".

Sardar Sant Singh : Then, no Muslim is to oppose a Muslim's amendment?

Syed Ghulam Bhik Nairang : Excuse me. When it concerns the best interests of the community, a Muslim has no right to play the traitor.

Mr. M. S. Aney : Sir, it is a strong word—traitor. Is it a parliamentary word—one Member to call another Member a traitor?

Mr. President (The Honourable Sir Abdur Rahim) : That word should not be used. I hope the Honourable Member will withdraw it.

Syed Ghulam Bhik Nairang : I am sorry, I had to use the word. I withdraw it. Really I wanted to address the House in a very cool mood, and I was not at all pugnaciously inclined, but Sardar Sant Singh's question upset me.

Sir, we have to consider the legal effect of clause 2 of the Bill as it stands now. We have to consider not only the legal effect, but also whether it is in accordance with the best interests of Indians to have a legislative provision like that on the Statute-book. We have to consider its effect on the inter-communal relations of Indians. We must not lose sight of all the important considerations. A thing may be perfectly legal from the technical point of view, yet it may be highly unwise from the broader and patriotic point of view. I have said already that as far as a measure of reform intended to remove certain hardships and disabilities of our Arya Samajist friends is concerned, the Bill has my best wishes, I wish it godspeed. My objection comes in only when I find that in the present shape of this Bill, in spite of the very oracular declarations of Mr. Asaf Ali it certainly does affect Muslims and will affect Muslims.

Mr. N. M. Joshi : Will you explain how? We have been having patience with speakers. They have not explained that to us.

Maulana Shaukat Ali : We cannot stop conversions, but we do not want to encourage them.

Syed Ghulam Bhik Nairang : We have had during the course of the day very learned discussions expounding to us the philosophy of religion, the philosophy of the caste system, and all that, and Mr. Joshi did not have any objection to that, but when I stand up to speak.....

Mr. N. M. Joshi : I honour you by sitting here to listen. I did not listen to the other speeches.

Syed Ghulam Bhik Nairang : My first objection is that, if this clause is allowed to stand in its present form, a good many illegalities will be committed. Look at the wording of the clause. It says :

"Notwithstanding any law, usage or custom to the contrary no marriage contracted whether before or after the commencement of this Act between two persons being at the time of the marriage Arya Samajists shall be invalid or shall be deemed ever to have been invalid by reason only of the fact that the parties at any time belonged to different castes or different sub-castes of Hindus or that either or both of the parties at any time belonged to a religion other than Hinduism."

Of course, I have no quarrel with the rest of this clause but with regard to the effect of the words, "either or both of the parties at any time belonged to a religion other than Hinduism". The position is this. Suppose a Christian woman, duly married to a Christian husband according to the canonical law of the Christians, today embraces the religion of the Arya Samajists and thereafter she marries an Arya Samajist. Of course, within the wording of this clause the marriage would be between two Arya Samajists. Now, under the law as it stands today, such a marriage would be bigamous, but suppose for some reason or other, by acting on the 11th commandment or some other reason, no prosecution is ever launched and no punishment is ever given. Later on, perhaps in a suit for inheritance or in connection with some other question, the question of the validity of that marriage comes before a Court, and if this clause is passed into law, on the authority of this clause the marriage is held valid. What is the effect of it. The effect of it is that a marriage which amounted to a crime is held valid by a Court in all solemnity.

Mr. Ghansham Singh Gupta : May I interrupt my friend?

Syed Ghulam Bhik Nairang : I do not give way. So far as Christians are concerned, the effect of this Bill would be to repeal the Christian canonical law on that point and if this House passed any law of this kind, it will be *ultra vires*. I have instanced the case of a Christian woman but now I will take up the case of a married Muslim woman, a subject which was also touched by my friend, Mr. Asaf Ali. There is no doubt that according to the view which is generally current in our Courts today the apostasy of either party to a Muslim marriage does effect the dissolution of the marriage without any further proceeding or without any judicial pronouncement. That is, as I have submitted, the current view, but this is a view which has been challenged not today but for years and years, in the course of many public utterances, in the course of many press articles, by protests made by many representative associations of Muslims and by the learned jurists of Islam as well, but somehow the Courts have up to the present maintained the view that apostasy does bring about a dissolution of marriage and the result has been that we have had to introduce a Bill in this House which, among other things, contains a clause to the effect that the apostasy of a married Muslim woman would not *ipso facto* operate

[Syed Ghulam Bhik Nairang.]

to dissolve the marriage. That Bill is coming before this House. If this clause as it stands today is passed, it will be really forestalling that Bill and if by any chance subsequently we also pass that Bill, it will follow that there will be a conflict between this and that law. I may also submit that already we have innumerable complaints from time to time about the seduction and abduction of women, not only of Muslim women, but women belonging to all societies and all communities and all castes. If this clause is passed into law, the effect will be that there will be an additional encouragement to those who are engaged in the nefarious trade of enticing away married women and abducting married women and then making them later on go through a feigned conversion and after that marry them mostly for consideration to this man or that man. Such marriages are taking place today stealthily and the parties to such marriages are subject to the fear of public opinion and moral censure. If this Bill is passed, it will confer immunity on them and it will embolden them to go on with their nefarious activities and the effect will be that any number of homes would be ruined. Abducting married women will be legalised and the provisions of the Indian Penal Code relating to these offences will be nullified and repealed. These offences will be looked upon as matters legalised by this law and as a consequence there will be a much larger number of cases of this kind and there will be breaking of heads between the different communities. Even now, as is very often reported in the press, very serious riots take place over such abductions of women. In future their number will be increased. I say it is also against public interest, public peace and inter-communal harmony to place a law like this on the Statute-book. What is the harm if we delete these offending words? The Bill will even then be perfectly complete and it will be legitimately confined to the Arya Samajists.

Mr. N. M. Joshi : Some Samajists would be omitted.

Syed Ghulam Bhik Nairang : I would appeal to this House to consider this subject in all seriousness. Married life irrespective of caste, creed, religion or nationality is sacred and ought to be held sacred by all right minded men. Anything tending in the least to disrupt homes, and interfere with the peaceful course of married life should be simply discouraged. There ought to be no encouragement given to the nefarious activities of people who may pretend to be Arya Samajists or Muslims or others, whose real trade is to abduct women, take them from one part of the country to another and pass them on to others for a consideration. It is a well known fact that in certain parts of the country the number of women is smaller than the number of men and therefore constantly a trade is going on in some parts of India by which women are taken to certain other parts where there is a shortage of women and where women are wanted in larger numbers. That traffic is flourishing and as a consequence of this, so many homes are being ruined every day. I think, Sir, under the colour of effecting a social reform among the Arya Samajists, we should not take any dangerous step, because, although it may be honestly meant that that clause is not intended to in any way help such people, yet it has the potentiality, and that dangerous potentiality should be guarded against. With these few words, I support the amendment moved by my Honourable friend.

Pandit Govind Ballabh Pant : May I ask a question, Sir, namely, whether it would make any difference if after the words "at any time" the last but one line in this clause we introduced the words "before the marriage"....

Syed Ghulam Bhik Nairang : No.

Pandit Govind Ballabh Pant : If it were like this : "or that either or both of the parties at any time before the marriage belonged to a religion other than Hinduism", would that do? Would that make any difference?

Syed Ghulam Bhik Nairang : To my mind, it would not make any difference.

Pandit Govind Ballabh Pant : I only throw out that suggestion.

Pandit Krishna Kant Malaviya (Benares and Gorakhpur Divisions : Non-Muhammadan Rural) : Sir, I am very sorry I cannot agree with the new theory propounded by my Muslim colleagues today in this House. They want to lay it down that Members of other communities who are not interested in or are not directly concerned with any social or religious Bill should not take part in the debate on that Bill. Sir, I am afraid, we will not be doing our duty by ourselves, by the country and by the people who have elected us and sent us here if we keep quiet and allow other friends to do whatever they like with regard to their Bills. We are not here Hindus or Mussalmans, we simply are legislators within this House. Coming to this Bill, Sir, I must congratulate my Muslim friends upon the temperate language in which they have pleaded their cause. But most respectfully I would like to tell them in the words of a great Persian poet :

*"Jalveh ber main me farosh
Aii malikulhaj ke tu
Khana mi biniyo
Man Khana Khuda mi binam."*

"You, my friends, you who boast of being religious-minded and pose to be great Hajis, you have only seen the house of God, whereas I have seen the God that lives in that house."

Coming to the point, Sir, there seems to be a feeling among my Muslim colleagues here that this Bill is only devised to encourage Hindu youths to marry outside the pale of their society, or to put it more correctly, to marry Muslim girls. These friends are not concerned with Christians, Jews or girls of any other community, their only concern is that the Hindu youths should not be able to marry Muslim girls. My Honourable friend, Sir Muhammad Yakub, and the other friends who want the deletion of the specified words from the clause maintain that it would disrupt homes, cause disturbances of the peace (An Honourable Member : "and communal riots"), yes, communal riots and so on and so forth. But, why, Sir, I cannot understand. Assuming for argument's sake that the Bill does provide for marriage with those of different faiths. What and where is the harm then? (Interruptions.) Why should not a Hindu marry a Christian, a Muslim, a Jew or any other girl he chooses?

Mr. K. Ahmed : Don't forget the case of the Maharaja of Indore and Miss Miller. (Interruptions.)

Pandit Krishna Kant Malaviya : It is done even now. I know many friends, Hindu youths who have got Irish, German, Hungarian, Italian, Jewish and Muslim wives. Why should they not? And who are we to stand in the way of those who want to lead a "united" joint life? (Laughter.) My Muslim friends do not object to Muslims marrying Hindu girls! They are happy at it! They burn incense at these marriages! (Interruptions.) With what logic, then, do they come forward here and want that the Hindu youths should not marry Muslim girls? I want to tell my friends and others of their way of thinking that, really if they are keen that Hindus should not marry Muslim girls (*An Honourable Member :* "Converted Muslim girls")—that Hindus should not convert Muslim girls and should not marry them. (Interruption.) But you go on converting Hindus? I do not and cannot complain. I only want that you also should not object to the conversion of Muslim girls.

Maulana Shaukat Ali : In that case, she becomes a Muslim, and I marry her.

Pandit Krishna Kant Malaviya : In my case, she becomes an Arya Samajist and an Arya Samajist marries her. Sir, if anybody wants that the girls of his community should not be married by the members of any other community, then the best thing for his community is to keep their girls confined within the four walls of the Zenana, not to allow them to go to schools and attend colleges, not to allow them to think for themselves, not to give them a liberal education and not to allow them to see reason or the light of God and so on. If there is a Muslim girl who thinks that she can be happy only by being united with a Hindu of a different faith (Laughter), no power on earth, whether Islam, Hinduism or Christianity or any other religion, howsoever great it may be, can and should stand between that man and that girl. I can imagine a man and a woman professing two different faiths even living together happily as husband and wife. (Hear, hear.)

Major Nawab Sir Ahmad Nawaz Khan : Then why not bring in a Bill of such a nature as you are suggesting? That would then be quite a different Bill to this one on which you are now speaking. You can if you like bring in a Bill permitting freedom and liberty to every one, every class, and every community to marry whomsoever they like.

Pandit Krishna Kant Malaviya : I am prepared to do that even, but this much I know that friends, who do not see beyond their nose, who have no visions of the future or even the world of today, like the gentleman who has just spoken, will always stand in my way and do their best to oppose us. Sir, I may here narrate a story about myself. (Hear, hear.) I am a Hindu and amongst Hindus a "Sanatani", an orthodox Hindu. I love the "Sanatan Dharma", it gives me peace and consolation and is the true eternal Dharma to me; but, with all this, I never was and can never be a bigot. Well, Sir, when I was at college, there was a talk amongst the elders of my family to convert me from a biped into a quadruped animal. Animal as I was, I got scent of the affair. According to the prevailing custom and culture then, I could not broach that subject with my elders but I wrote a letter to my uncle, and you will be surprised to learn that therein I wrote that it would be better in the interest of the race and of the society if I were married to some Afghani or Baluchi girl. (Laughter.)

I was only twenty-one years of age then. Since then, I have requested many a Sikh friend of mine, because there is a dearth of girls in their community, to marry outside the pale of their society, and I have always suggested to them to marry either an Afghan, a Gipsy, Persian, or a Hungarian girl, because, I think, this will infuse a new blood and new warmth in the veins of the dying race. Would it not be better, I ask my friends, if a mild Bengali, with his intellect and brains, were to marry an Afghan girl with her physique and her warm blood? Would it not be better for the country, for the race and for the society that such marriages should be allowed? Well, Sir, I had been thinking on these lines when there was no communalism in this land and when the talk about Hindu and Muslim was not so rampant as it is today. I do not want to argue this point further but in the words of a great Persian poet I would urge upon my Muslim friends to coolly ponder at what has been said by the great poet, Urfi.

*"Chuna ba nekobed urfi basar kun az pesa murdan
Musalmānat ba zemzem shoyado Hindu bishojanad"*

The poet, addressing the Hindus and Mussalmans of this land, says :

"You should fashion your life in such a way that when you die Mussalmans may claim your body as their own and try to wash it with Zamzam water, while the Hindus should claim your body as their own and try to cremate it."

It gives me no pleasure to say all these things. But I want to ask especially my Honourable friend, Ghulam Bhik Nairang Sahib, what did he mean by riots, disturbances of peace and all those things? Am I to understand that Hindu girls are not being taken away because these friends of mine are very anxious to maintain peace and because these friends of mine do not want to have riots? I cannot understand the logic behind all these arguments. They say that they are free to marry any girl they like. They want a freedom for themselves which they do not want to give to others. Where is the logic in it? Where is the reason behind it? I am told of inter-communal relations; much has been said about it. But my friends forget that there is such a thing as inter-communal relation when they entice away Hindu girls to marry a Mussalman. They do not object to it. But as soon as they feel that a Hindu may marry a Muslim girl, heavens begin to fall. They prophesy earthquakes, riots and disturbances of peace. They may object to such marriages but they cannot prevent conversion of Muslims to Hinduism. Nobody can. If you cannot prevent the conversion, then why do you object to this Bill? After all, what does this Bill provide? It says that no girl will be married to an Arya Samajist unless she is an Arya Samajist herself. You should try to prevent the conversion but if you cannot prevent it, then you should not object to this Bill. The Bill only provides that as soon as a Christian, a Muslim or a Jewish girl becomes an Arya Samajist, she should be able to marry an Arya Samajist and the marriage will be valid in the eyes of the law. Sir, I would like to give an answer to the question raised by my Honourable friend, Sir Muhammad Zafrullah Khan, who is not in his seat. He wanted to know what is the present law about those who marry outside the pale of their society, for instance, if a Hindu marries a girl of a different faith. That is what we are providing for. At present either a Hindu youth, who wants to marry a girl professing another faith, has to take the shelter of the civil marriage law or the special marriage law. The object of this Bill is that no Hindu or an

[Pandit Krishna Kant Malaviya.]

Arya Samajist in order to marry a girl of another faith should be compelled to declare that he has no faith, that he is neither a Hindu nor a Mussalman nor a Christian and so on and so forth. According to the Special Marriage Act, Sir, there is some difficulty about the succession. If you marry according to the Special Marriage Act, you have to be governed by the Indian Succession Act and not according to the Hindu Laws. This Bill provides that, while we should have the liberty to marry a girl professing another faith or belonging to another sub-caste of the Hindus or belonging to any other caste of the Hindus, we should be able to remain within the fold of the Hindus and should be as good Hindus as any anybody else. This Bill is only to legalise marriages. If you do not legalise these marriages, you can understand what the position will be. The girls who marry will have no legal status, they will be concubines, keeps, mistresses, etc., this will lead to concubinage or some such thing which we do not want to see in our society and which we want to avoid. In order to give a moral tone to taints like these which have cropped up at places in our society, we want to provide this law, so that such marriages may be legalised and their children may not be branded as illegitimate. This is all that I want to say and I oppose the amendment.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, during the five years of my life in this House, this is the first occasion when I find that religious fanaticism—be it on any side—has lifted its head. I am sure this phantom will not conduce to good relationship between the two communities to which the Hindus and the Muslims belong. Whenever I met my friends, whether Hindus, Muslims or Christians, I always said that Legislatures, so far, were immune from such religious disputes and discussions which have somehow come to light today. If this enactment had not been brought before the House the atmosphere in this House today and the feelings between the two communities would not have been ruffled. I am indeed very sorry that such a piece of legislation has been brought forward in this House on an occasion when we are about to go into the Provinces for election and when in the Centre also there will be election. My Honourable friend, who just preceded me, Pandit Krishna Kant Malaviya says that the Muslims do not mind such marriages which are contracted between a Muslim male and a Hindu female. May I remind my Honourable friend and also remind the House that Islam does not permit such marriages at all. Islam has never permitted such marriages and it will never permit a marriage between a Muslim man and a Hindu woman unless and until she is converted to Islam. The religion of Islam says that only a marriage with a *Khatibi* is allowed and permitted and not a marriage with a *non-Khatibi*. I would like to remind the House that if a Muslim male marries a Hindu woman without conversion to Islam, then that marriage is not held valid and the children of that wedlock will not be considered to be legitimate. (Interruption.) When I am explaining my religious tenets nobody can question me and I shall not yield on this occasion. This question should not be looked at from the point of view, that because Muslims used to marry Hindus and because Muslims had permission according to their religion for conversion which the Hindu friends did not have so far, therefore by this enactment the Arya Samajists also could do likewise and convert people from Islam to Arya Samajist fold. If our Hindu friends claim that in their religion they are allowed conversion though, so far as

I know, it was never asserted that they had that permission as the Muslims had, they can do so. My point is that ever since this new sect of Arya Samaj was brought into existence in India and although they are a part of Hindus it is only since then that this principle of conversion has been adopted by my Hindu friends. Otherwise there was no such principle of conversion before this. For my Hindu friends today to argue that because Muslims want to convert Hindus and because Muslims want to marry Hindu girls, therefore the Hindus should be allowed to marry Muslim girls does not seem to be correct. I have no objection if a Muslim girl is prepared to adopt Hindu religion, she is quite at liberty to do so ; it is her look-out. I would welcome if a Hindu friend should marry a Muslim or Christian girl who is willing to do so and if her religion permits. In this Legislature anyhow the Muslims do not in any way find themselves in a position to reconcile themselves to the words :

“ Either or both of the parties at any time belonged to a religion other than Hinduism.”

I would appeal to my Hindu friends to drop those words. We should not import any religious heat or controversy into this Bill. If our Arya Samajist brethren want to have their own way and to have legislation for intercaste marriages between Hindus and Hindus, because so far the Arya Samaj was not a separate religion from Hinduism, the Muslims can have no objection to such a course. When we come to the phrase ‘ religion other than Hinduism ’, it, of course, raises a suspicion in the minds of the people of other religion. Our Christian friends do not see today the underlying motive of this legislation, perhaps they will see it tomorrow. But the Muslims have seen through it today and they say on the floor of the House and they ask the Hindu brethren not to be so uncharitable as to introduce such a phrase in the Bill. I would appeal to my Hindu friends to have regard for the feelings of the Muslims on this point. Sir, when one of my Honourable friends said that this Bill relates only to Hindus and the sub-castes among them, I quite believed it was so. But let me read the clause No. 2 :

“ Notwithstanding any law, usage or custom to the contrary no marriage contracted whether before or after the commencement of this Act between persons being at the time of marriage Arya Samajists shall be invalid or shall be deemed ever to have been invalid by reason only of the fact that the parties at any time belonged to different castes or different sub-castes of Hindus.”

and if the clause had gone to that extent, I would have had no objection and nobody in the House could take any exception to it. But it goes on further and includes other religions too. With those words, I support the amendment.

Maulana Murtaza Ali : Sir, I will not take very long. I would have gladly helped my Arya Samajists brethren to legalise their marriages. Every one is perfectly free to become a Muslim or a Christian or a Sikh or an Arya Samajist. No one can stop anybody else from changing his religion. Among the Sikhs, anybody, who is converted from another religion to Sikhism, can marry without asking this House or asking my assistance for legalising such marriages. They are perfectly welcome to solemnise such marriages. Such marriages are recognised by law. If anybody becomes a Muslim and marries another Muslim, converted or otherwise, that marriage is recognised in Islam and no one is asked to help to validate it. Everyone's conscience is perfectly clear. In the case of

[Maulana Shaukat Ali.]

Arya Samajists unfortunately the marriage is not considered valid. I have no objection to a Muslim woman becoming a convert to Arya Samajism and marrying whomsoever she likes, but that marriage is not recognised by their law. Her children will not inherit any property. She will be looked upon merely as a mistress or a keep. You cannot ask me as a God-fearing Muslim that I should encourage a Muslim woman to go and join another religion and then set for her a position where she has no social position today. This is the only point. If anybody becomes a Muslim and a marriage is solemnised between them, our religion recognises it and the children inherit property. If there is any defect in the Hindu religion so far as marriages with converts are concerned, then my Hindu friends should settle it among themselves; they cannot ask my help to offer an inducement to a Muslim girl to become a convert to another faith and instead of being considered a mistress, help her in gaining the position of a legitimate wife. As far as I am concerned, if you ask me as God-fearing Muslim, when a woman leaves my faith, the sooner she dies the better. I consider that if a Muslim woman leaves her faith and becomes a convert to any faith, I have no concern with her—she was dead to me :

“ *Khas Kam Shud—Jehan Pak* ”.

(Less dirty grass, world gets cleaner.)

When a woman becomes a Muslim she is at once recognised as a Muslim lady and has her full rights like other Muslim women. You cannot ask me to validate a marriage of a Muslim with a non-Muslim. If there is difficulty in the marriage among Arya Samajists, they must settle it amongst themselves.

Mr. M. Asaf Ali : This does not mean that.

Maulana Shaukat Ali : You have been a lawyer for 25 years. I do not know law. I am sorry to acknowledge I have great contempt for law. I want to ask you to tell me if today a marriage between two converts to Arya Samaj is valid ! The Arya Samajists say no. I have no objection if they marry under the Special Marriage Act or the Christian Marriage Act.

My friend, Bhai Parma Nand, is not here. I have great respect for him. I went to him and asked him whether this marriage is recognised by them today as a legitimate marriage and I had no objection if it was so because then they did not need my consent. He said, “ no, this marriage is not recognized ” and they want now to make it valid. Therefore I am sorry I cannot encourage a woman who is a mistress today to become a legitimate wife and raise her status with my assistance, so that she may have an inducement to leave my faith.

Mr. M. Asaf Ali : Sir, if I may say a word, I am afraid Bhai Parma Nand has not stated the case correctly. This Bill only makes provision for validating marriages between persons who at the time of the marriage are Arya Samajists.

An Honourable Member : By conversion or otherwise.

Mr. M. Asaf Ali : No, conversion does not come in.

Maulana Shaukat Ali : The girl was a Muslim and she became an Arya Samajist and at the time of the marriage she was an Arya Samajist.

The position is that they were both Arya Samajists then, but such a marriage is not recognised by the Arya Samajists as valid and they want to make it valid by the help of this proposed law.

Mr. M. Asaf Ali : It is valid.

Maulana Shaukat Ali : He says it is not valid. But if this marriage was valid today I would have no objection because you do not need my assistance. I cannot stop conversion of Muslims, but I do not want to encourage it.

Some Honourable Members : The question may now be put.

(Then several Members including Mr. Ananthasayanam Ayyangar rose in their places wanting to speak on the amendment.)

Mr. President (The Honourable Sir Abdur Rahim) : The meeting of the Empire Parliamentary Association has been fixed again for today, and I am afraid the House cannot carry on this discussion any longer today.

The Assembly then adjourned till Eleven of the Clock on Saturday the 10th October, 1936.

L380LAD

LEGISLATIVE ASSEMBLY.

Saturday, 10th October, 1936.

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

QUESTIONS AND ANSWERS.

DUTY AND FUNCTION OF THE POLICE FORCE ON RAILWAY STATIONS.

1007. ***Mr. N. V. Gadgil** (on behalf of Pandit Krishna Kant Malaviya) : Will Government please state the duty and function of the police force posted on stations and patrols on platforms and gates on State Railways in India ?

The Honourable Sir Henry Craik : The attention of the Honourable Member is invited to Appendix B to the Report of the Railway Police Committee, 1921, in which the duties of the Government Railway Police employed on Railways are specified.

Pandit Lakshmi Kanta Maitra : Have the Railway Administrations got any control over the police force ?

The Honourable Sir Henry Craik : The control rests mainly with the Local Governments.

Pandit Lakshmi Kanta Maitra : May I know if the Railway Administrations exercise any control at all over the railway police ?

The Honourable Sir Henry Craik : My impression is that they do control one section of the railway police. A larger part is under the control of the Local Governments.

Pandit Lakshmi Kanta Maitra : Is the Honourable Member in a position to say what part is under the control of the Local Governments ?

The Honourable Sir Henry Craik : If the Honourable Member will put down a question, I will try to answer it.

Mr. M. Ananthasayanam Ayyangar : In view of the fact that recently there have been innumerable cases of outrages in female compartments by persons getting into the compartments from the off side of the platform, will the Government be pleased to direct that the police on duty on platforms should take greater care to see that nobody jumps into the female compartments from the off side of the platforms ?

The Honourable Sir Henry Craik : That is a matter of detail which must be left to the executive heads of the police.

Pandit Lakshmi Kanta Maitra : May I know, Sir, having regard to the numerous outrages in the Railways, whether Government will issue to the Provincial Governments and the Railway Administrations a note to the effect that steps should be taken as far as possible to prevent the recurrence of such outrages ?

The Honourable Sir Henry Craik : I have no doubt whatever that the Local Governments and the Railway Administrations are perfectly aware of the desirability of taking such steps.

Mr. M. Ananthasayanam Ayyangar : Are any railway police either under the Railway Administration or the Local Governments travelling in the trains ?

The Honourable Sir Henry Craik : I must have notice of that question.

Prof. N. G. Ranga : Why is it that the Government do not want to take greater care of passengers, and especially of women, than they are doing at present ?

The Honourable Sir Henry Craik : That is a matter of argument.

RULES FOR SUING GOVERNMENT FOR BREACH OF TRUST IN RESPECT TO SERVICE CONDITIONS, ETC.

1008. ***Mr. N. V. Gadgil** (on behalf of Pandit Krishna Kant Malaviya) : With reference to the answer given to starred question No. 967, asked in this House on the 16th September, 1933, will Government please state :

(a) whether there are any rules which prohibit a Government servant including railway servants under the Crown from suing the Government or their employers in a court of law, whilst remaining in service, for breach of trust in respect of service conditions or loss of prospects or defiance of rules and regulations ; if so, what are they ;

(b) what is meant by " Rules to regulate the Conduct of Railway Servants " as used in section 47 (1) (e) of the Indian Railways Act ; and

(c) whether employees in the offices of :

- (1) Government of India, Railway Department ;
- (2) Railway Board ;
- (3) Supervisor of Railway Labour ;
- (4) Railway Audit and Accounts Offices ;
- (5) Agents, State-managed Railways ;
- (6) Heads of Department, State-managed Railways ;
- (7) Divisional Superintendents, State-managed Railways ;
- (8) Offices subordinate to Divisional Superintendents ; and
- (9) Indian Railway Conference Association ;

including gazetted, non-gazetted, clerical, ministerial and menial staff, railway servants are within the provisions of section 3 (7) of the Indian Railways Act ; if not, then, under what Act ?

The Honourable Sir Muhammad Zafrullah Khan : (a) No.

(b) The rules made under section 47. In this connection I would refer the Honourable Member to the reply I have given to his starred questions Nos. 995 and 996.

(c) This depends in each case on whether the person concerned is employed by a Railway Administration as defined in section 3 (6).

ARREARS IN NAZUL REVENUE IN DELHI.

1009. ***Mr. N. V. Gadgil** (on behalf of Pandit Krishna Kant Malaviya) : Will Government please state the percentage of arrears in revenue in each year during the office of the present Nazul Officer, Delhi, with the reasons for its fall and the action taken by the local administration ?

Sir Girja Shankar Bajpai : The present Nazul Officer joined his post in 1933-34. The percentage of arrears was four during that year and three in 1934-35. These figures do not support the suggestion that collections have deteriorated during his term of office.

SALE OF LIQUORS BEFORE AND AFTER THE LICENSED HOURS IN DELHI.

1010. ***Mr. N. V. Gadgil** (on behalf of Pandit Krishna Kant Malaviya) : (a) Is it a fact that selling of liquors after licensed hours by licensees in Forms L-2 and L-10 are permissible under those licenses in Delhi ?

(b) Is it a fact that the shops at Mori Gate, Gundhi Gali, and Chowri Bazar, Delhi, do sell liquors after licensed hours and specially after 8 P.M. ? If not, will Government please state how many licensees were prosecuted for breach of license rules during 1935-36 and up-to-date ? If none, why not ?

(c) Will Government please state whether the Excise Department, Delhi, ever checked the stock of the shops at Mori Gate, Gundhi Gali and Chowri Bazar, Delhi, before and after the licensed hours ? If so, on what dates since April, 1936, and up-to-date and with what result ? If not, why not ?

The Honourable Sir James Grigg : (a) No.

(b) No. No licensee was prosecuted for a breach of license rules during the year 1935-36 or this year. One licensee was, however, dealt with departmentally for a breach of rules during the year 1935-36. Some complaints were received regarding sale of liquor after licensed hours and instructions were given to the Excise staff to see that the rules on the subject were strictly enforced.

(c) No. The excise rules do not require that such a check should be made, and it is undesirable to harass licensees unless a definite complaint has been made.

Mr. Mohan Lal Saksena : May I know what steps were taken to stop the complaints that were made, and what instructions were issued to the excise officers to inquire into the complaints that were made ?

The Honourable Sir James Grigg : I have already given an answer that instructions were given to the Excise staff to see that the rules on the subject were strictly enforced. I do not know if the Honourable Member wants to know what particular degree of coercion they were advised to apply, if so, I cannot tell him that.

Mr. Mohan Lal Saksena : I want to know whether it is not one of the duties of the Excise staff to go and see after the fixed hours whether liquor is being sold or not ?

The Honourable Sir James Grigg : That also, I think, I have answered in part (c). I said No, the excise rules do not require that such a check should be made.

Mr. Ram Narayan Singh : Is it not a fact, Sir, that Government are more concerned with the greater sale of liquor than with the observance of the rules ?

Mr. President (The Honourable Sir Abdur Rahim) : I cannot allow that.

Mr. Mohan Lal Saksena : How is the Government satisfied whether liquor is sold beyond the prescribed hours or not ?

The Honourable Sir James Grigg : If you want to ask me questions about a police procedure and so on, you had better put down a question.

Mr. N. V. Gadgil : Would it not be desirable to restrict the hours for the sale of liquor so that it may eventually lead to prohibition ?

The Honourable Sir James Grigg : That is another source of revenue which Honourable Members opposite want to disappear entirely. They want customs revenue to disappear, and now they want the excise revenue to disappear.

There won't be much left to carry on the Government of the country.

Mr. Ram Narayan Singh : Sir, my question has not been answered.

Mr. President (The Honourable Sir Abdur Rahim) : That has been disallowed.

USE OF REFRESHMENT ROOMS ON STATE RAILWAYS BY POLICE OFFICIALS.

1011. ***Mr. N. V. Gadgil** (on behalf of Pandit Krishna Kant Malaviya) : Is it a fact that the refreshment rooms on State-managed Railways are provided for the exclusive use of the travelling public ? If so, under what authority do the local police officials use these as a resting place before, after and during train timings ?

The Honourable Sir Muhammad Zafrullah Khan : Refreshment rooms, though primarily intended for the travelling public, may be used by others, e.g., railway servants. Their use as a rest room or a waiting room by any person is irregular.

Mr. M. Ananthasayanam Ayyangar : Will the Government take steps to see that railway servants or police officers on duty do not

occupy the waiting rooms during their stop at particular stations, when they are there either on railway business or official business ?

The Honourable Sir Muhammad Zafrullah Khan : If any such cases are discovered, they will be suitably dealt with.

ALLEGATIONS AGAINST A POLICE SUB-INSPECTOR AT THE MORADABAD HINDU REFRESHMENT ROOM.

1012. ***Mr. N. V. Gadgil** (on behalf of Pandit Krishna Kant Malaviya) : (a) Is it a fact that on the 9th May, 1936, when the passengers of 5-Up Howrah-Calcutta Mail were taking their evening meals at Moradabad Hindu Refreshment Room a Sub-Inspector of the local District Intelligence Service entered the room in a state of intoxication, accompanied with girls and created a scene of intimidation full of filthy language and threats, much to the annoyance of the passengers ?

(b) Is it a fact that the Manager of the Refreshment Room submitted a written complaint to the District Magistrate, the Superintendent of Police, Divisional Superintendent and the Station Master against the behaviour of the said Sub-Inspector ?

(c) Is it a fact that the above scene was witnessed by a Deputy Superintendent of Police attached to the Police Training School, Moradabad, who happened to be on the station on that date and time ?

(d) Is it a fact that the said Deputy Superintendent of Police witnessed a similar scene created by the same Sub-Inspector on another occasion also ?

(e) If the replies to parts (a) to (d) be in the affirmative, will Government please state what action has been taken against the said Sub-Inspector ?

(f) What protection has the Railway Administration made for the comforts of travelling public from police intimidations, threat and annoyances ? If none, why not ?

The Honourable Sir Henry Craik : (a) to (f). I have no information. The matter is one for the Local Government.

†1013*.

LEGISLATION TO RESTRICT THE NUMBER OF TRAINS ON ANY RAILWAY.

1014. ***Seth Haji Abdoolah Hareon :** Will Government be pleased to state whether they are contemplating legislation to restrict the number of mail, passenger, express or goods trains which may be run between any stations on any railway ?

The Honourable Sir Muhammad Zafrullah Khan : No. Machinery for controlling the number of trains run already exists.

AFGHAN REFUGEES DEPORTED FROM PERSIA.

1015. ***Babu Kailash Behari Lal :** (a) Will Government be pleased to state what is the obligation of the Government of India to pay charges on account of Afghan refugees deported from Persia ?

†This question was subsequently disallowed.

(b) What is the number of such refugees ?

Sir Aubrey Metcalfe : (a) In India there are no Afghan refugees deported from Persia.

(b) Does not arise.

Mr. M. Ananthasayanam Ayyangar : Are there any other Afghan refugees here in India ?

Sir Aubrey Metcalfe : I submit, Sir, that does not arise out of this question.

REFUGEES AND STATE PRISONERS IN BIHAR AND ORISSA.

1016. ***Babu Kailash Behari Lal :** (a) Will Government be pleased to state how many refugees and State Prisoners there are in Bihar and Orissa and what are their names ?

(b) What is the amount of allowance to each of them, or what is the expenditure over each of them ?

Sir Aubrey Metcalfe : (a) There are no refugees or State Prisoners in the Province of Orissa. In Bihar there is one State Prisoner, namely, Sardar Abdul Khaliq Khan, an Afghan refugee, who is at present residing with his wife and four children in Ranchi.

(b) The following allowances are paid by Government :

	Rs.
	per mensem.
(i) Sardar Abdul Khaliq Khan	100
(ii) Wife and children	50
(iii) House rent	50
Total	200

Mr. M. Ananthasayanam Ayyangar : May I know, Sir, if they have been confined or interned at the instance of the Afghan Government ?

Sir Aubrey Metcalfe : Not exactly, no.

Mr. M. Ananthasayanam Ayyangar : Then under what circumstances have they been interned ?

Sir Aubrey Metcalfe : They are detained under Regulation III of 1818 for political reasons.

Pandit Lakshmi Kanta Maitra : May I know for how long they have been kept here as refugees ?

Sir Aubrey Metcalfe : You will obtain the information if you put down a question.

Mr. M. Ananthasayanam Ayyangar : Does the Afghan Government pay any contribution for their detention here ?

Sir Aubrey Metcalfe : No.

Mr. M. Ananthasayanam Ayyangar : Then are they to be kept here from generation to generation ?

Sir Aubrey Metcalfe : That is a matter of argument.

Pandit Lakshmi Kanta Maitra : Why are their allowances paid out of the Indian exchequer ?

Sir Aubrey Metcalfe : For political reasons which I am not prepared to disclose further.

Mr. M. Ananthasayanam Ayyangar : What objection do the Government of India have to send them back to their own place ?

Sir Aubrey Metcalfe : That again is a matter which I am not prepared to discuss. That affects the relations between His Majesty's Government and a foreign State.

AMOUNT ALLOTTED FOR THE ECONOMIC DEVELOPMENT OF TRIBAL AREAS.

1017. ***Babu Kailash Behari Lal :** (a) Will Government be pleased to state what parts of the country are called tribal area ?

(b) How is the amount allotted for the economic development of tribal area spent ?

Sir Aubrey Metcalfe : (a) A statement showing the tribal areas is laid on the table.

(b) Two lakhs have been allotted, which will be spent on schemes which are likely to improve the economic condition of the inhabitants of the tribal areas. In the North-West Frontier Province tribal areas experiments are at present being carried out in such schemes as gold-washing, apricot drying, reclamation of land, irrigation works, exploitation of marble, agri-horticultural operations, exploitation of artemesia, marketing survey, marketing of *chilgoza*, sheep breeding, etc.

Statement showing the Tribal Areas.

Name of the Province.	Tribal areas.
North West Frontier Province.	A.—Tribal territories in the charge of the following Political Agents.—
	Agency.—
	Malakand excluding the States of Dir, Swat, Chitral and the Amb State (Trans-Indus).
	Khyber.
	Kurram.
	North Waziristan.
	South Waziristan.
	B.—Tribal territories in the charge of Deputy Commissioners, as shown below.—
	Peshawar District.—
	Mohmand.
	Hassan Khel Afridi.
	Ashu Khel Afridi.
	Gadun.
	Utman Khel.
	Utmanzai.
	Chamla.
	Khudu Khel.
	Buner.
	Kohat District.—
	Orakzai.
	Adam Khel Afridi.
	Bannu District.—
	Bhitanni.
	Certain Wazir Sections.
	Dera Ismail Khan District.—
	Bhitanni.
	Larga Sherapni.
	Hazara District.—
	Gadun.
	Utmanzai.
	Amazai.
	Chagharzai.
	Isazai.

Name of the Province.	Tribal areas.
Baluchistan ..	C.—The Pituo Serai Malandri area, administered by the Deputy Commissioner, Peshawar District.— Marri and Bugti country. In Loralai District.— Bori Tahsil. Musa Khel Tahsil. Sinjawai Tahsil. Barkhan Tahsil. In Zhob District.— Fort Sandeman Tahsil. Hindubagh Tahsil. Kila Saifullah Tahsil. In Chaghai District.— Dalbandin Tahsil. In the Sibi District.— Kohlu Tahsil.
Punjab ..	.. Baluch tribal areas beyond the western border of Dera Ghazi Khan District in so far as they are not included in Baluchistan Agency territories.
Assam ..	.. Unadministered parts of Sadiya and Balipara Frontier Tracts. Unadministered area north-east of the Naga Hills District.

Pandit Lakshmi Kanta Maitra : Is the Honourable Member in a position to tell this House what percentage of this amount has actually been spent on this head ?

Sir Aubrey Metcalfe : No.

Mr. M. Ananthasayanam Ayyangar : Is this allotment taken from the Rural Development Fund ?

Sir Aubrey Metcalfe : No.

Pandit Lakshmi Kanta Maitra : Has any amount been spent so far ?

Sir Aubrey Metcalfe : Yes.

Mr. M. Ananthasayanam Ayyangar : May I know what the contribution for the tribal areas is from the Rural Development Fund ?

Sir Aubrey Metcalfe : None.

Mr. M. Ananthasayanam Ayyangar : Why not ?

Sir Aubrey Metcalfe : Because it has been made from separate sources.

Mr. Ram Narayan Singh : May I know what educational facilities have been provided by the Government for the children of these tribes ?

Mr. President (The Honourable Sir Abdur Rahim) : The question does not arise.

SPENDING OF THE AMOUNT ALLOTTED UNDER THE HEAD "SECRET EXPENDITURE".

1018. ***Babu Kailash Behari Lal :** Will Government be pleased to state how the amount allotted under the head 'Secret Expenditure' is spent ?

The Honourable Sir Henry Craik : Secretly !

Mr. Mohan Lal Saksena : Is the information withheld because the items of expenditure cannot bear public scrutiny ?

Mr. M. Ananthasayanam Ayyangar : Is any portion used for propaganda in foreign countries against India ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is not prepared to disclose it.

Pandit Lakshmi Kanta Maitra : I want to know what the Honourable Member means by 'secretly' ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member had better look at the dictionary. It is a very common word.

Mr. M. Ananthasayanam Ayyangar : May I know on what basis it is budgeted ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member does not want to answer because these are secret matters. What is the use of putting such supplementary questions ?

Babu Kailash Behari Lal : May I know whether this expenditure is subjected to audit ?

The Honourable Sir Henry Craik : Yes.

OFFICERS UNDER TRAINING FOR POLITICAL AGENCY AND RESIDENCIES.

1019. ***Babu Kailash Behari Lal :** (a) Will Government be pleased to state who are the officers under training for Political Agency and Residencies ?

(b) What are their qualifications ?

(c) Where have they been recruited ?

Sir Aubrey Metcalfe : (a), (b) and (c). Recruitment for the Foreign and Political Department is usually confined to selected junior members of the Indian Civil Service and junior officers of the Indian Army holding the King's Commission who are required to undergo special training on joining the Department. If confirmed in the Department they are eligible for all appointments on the cadre of the Department.

Pandit Lakshmi Kanta Maitra : May I know why is it that non-civilians and non-military officers are not taken ?

Sir Aubrey Metcalfe : That is the rule. Rules have been laid down and they have been in force for a great many years.

Mr. Mohan Lal Saksena : May I know what is the proportion of Indians in the recruits ?

Sir Aubrey Metcalfe : That does not arise out of the question.

Pandit Lakshmi Kanta Maitra : Has any minimum qualification been prescribed for the recruitment ?

Sir Aubrey Metcalfe : They are selected, as I have explained, by His Excellency the Viceroy.

Mr. Lalchand Navalrai : May I know whether this rule is not going to be changed because it is of long standing or for any other reason ?

Sir Aubrey Metcalfe : That is a matter of policy.

Prof. N. G. Ranga : What is there in the basis of recruitment which cannot be explained ?

Sir Aubrey Metcalfe : What do you mean by 'basis' ? I have explained that there are rules which confine recruitment to two particular services and the recruits are selected by His Excellency the Viceroy.

ALLOWANCES OF THE REPRESENTATIVES OF THE *ex*-KING OF BURMA.

1020. ***Babu Kailash Behari Lal** : (a) Will Government be pleased to state who are the representatives of the *ex*-King of Burma ?

(b) How much allowance does each one of them get ?

Sir Aubrey Metcalfe : (a) It is presumed that by "representatives" the Honourable Member means direct descendants. Three daughters still survive, one of whom has a child. There are also six children of another daughter who died early in the present year.

(b) The first daughter receives a political pension of Rs. 200 a month ; the second Rs. 750 a month, and her house rent, not exceeding Rs. 250 per mensem, is paid for her ; the third draws Rs. 750 per mensem, a house allowance of Rs. 250 a month, and a festival allowance of Rs. 500 annually. Each of the seven grand-children are given an educational allowance of Rs. 100 a month.

Pandit Lakshmi Kanta Maitra : Are these allowances paid out of the revenue of the Government of India or the Burma Government ?

Sir Aubrey Metcalfe : They are charged to Central revenues, I think.

Mr. Mohan Lal Saxena : Will these allowances be paid after the separation of Burma ?

Sir Aubrey Metcalfe : I should like to have notice of the question.

Mr. M. Ananthasayanam Ayyangar : Are these allowances hereditary or only for a number of years ?

Sir Aubrey Metcalfe : I should like to have notice, if the Honourable Member wants exact information.

Mr. M. Ananthasayanam Ayyangar : What is the annual cost under this head ?

Sir Aubrey Metcalfe : If the Honourable Member will look at my answer and work it out, he will find that out for himself.

Mr. Sri Prakasa : May I know if these persons are kept in confinement ? Are they free to move wherever they please ?

Sir Aubrey Metcalfe : As far as I know, there are no restrictions on their movements.

WANT OF AN INTERMEDIATE CLASS WAITING ROOM AT BHAGALPUR RAILWAY STATION.

1021. ***Babu Kailash Behari Lal** : (a) Will Government be pleased to state if they are aware that Bhagalpur is the divisional headquarters and second town of importance in Bihar, has a very large passenger traffic, and there is no intermediate class waiting room at the Bhagalpur Railway Station, and that passengers travelling in intermediate class are put to great hardship ?

(b) Do Government propose to ask the Railway Administration to take necessary steps to remove this long-felt want of an intermediate class waiting room at Bhagalpur Railway Station ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Government have had no complaints regarding the hardship mentioned.

(b) Provision of such facilities is within the competence of the Railway Administration. Government consider that the Railway Administration is in a better position to decide on the relative order of merit of such expenditure.

Babu Kailash Behari Lal : May I know if the Government are going to ask the Railway Administration to provide these facilities ?

The Honourable Sir Muhammad Zafrullah Khan : It is very difficult for me to be able to decide what should be the order of priority. It must be left to the Agent to decide.

Pandit Lakshmi Kanta Maitra : Will the Honourable Member send this question to the Agent, so that he might give some thought to the subject at least ?

The Honourable Sir Muhammad Zafrullah Khan : I suggest that the best way of doing it would be to raise the matter in the local advisory committee. The matter could be thrashed out and decided there.

Pandit Lakshmi Kanta Maitra : But we are not in the local advisory committee.

Mr. Ram Narayan Singh : Is the Honourable Member aware that there are other stations in Bihar where there are no proper intermediate class waiting rooms ?

The Honourable Sir Muhammad Zafrullah Khan : It is quite possible that there are other stations where there are no intermediate class waiting rooms.

ECCLIASTICAL DEPARTMENT OF GOVERNMENT.

1022. ***Babu Kailash Behari Lal** : (a) Will Government be pleased to state how long it is that the Ecclesiastical Department of Government came first into existence ?

(b) Was the Ecclesiastical Department started by Government on their own initiative, or under the orders of the Home Government?

(c) Have Government, in view of their policy of religious neutrality, considered the effect of spending large sums of money on subsidising a particular religion over the followers of other religions?

(d) Do Government, in accordance with their policy of religious neutrality, propose to consider the advisability of abolishing the Ecclesiastical Department?

(e) What is the utility of the Ecclesiastical Department and if any record or report of their work is compiled and kept by the Department?

(f) Does the Ecclesiastical Department carry on any research work in the domain of spiritual science?

The Honourable Sir Frank Noyce : (a) and (b). The origin of the Ecclesiastical Department is to be found in the obligations imposed by the Charters of the East India Company to provide chaplains for their ships and at their stations. In 1813 as the result of an Act of Parliament the Ecclesiastical Establishment was created and in 1858 when the rights and the obligations of the East India Company were transferred to the Crown it became a Department of the Government of India.

(c) Government are not subsidising any particular religion. They are merely fulfilling long-standing obligations in respect of European British-born servants of the Crown serving in India. They do not provide religious ministrations, church or cemetery accommodation for Christians in general or even for all their Christian servants. I might remind the Honourable Member that there are various forms of State religious endowments of long standing connected with other religions.

(d) No. Under the King's Regulations facilities for religious services have to be provided for British troops, and so long as the Government of India employ these troops they are under an obligation to provide religious ministrations for them. It is also impossible for Government to discontinue abruptly all provision for religious ministrations to civil officers. With the gradual decrease in the number of European officials Government's obligation in this respect is automatically dwindling. Moreover, Government periodically review the ecclesiastical expenditure in order to see how far reductions can be effected.

(e) The reasons why the Ecclesiastical Department is maintained have just been stated by me. The Department does not compile any report of the work done.

(f) No.

Mr. M. Ananthasayanam Ayyangar : Are the Government of India aware that with respect to grants made to temples and mosques, etc., in the case of other religions, the grants made are in lieu of landed property which has been taken over by the Government.

The Honourable Sir Frank Noyce : The Honourable Member is imparting information, not asking for it. I am not aware of the conditions in all cases.

Mr. M. Ananthasayanam Ayyangar : May I ask whether there are any grants made to churches for the purpose of enabling European magisterial officers in charge of districts to attend those churches?

The Honourable Sir Frank Noyce : Grants are made under recognised rules; as I said, they are made in fulfilment of Government's obligations.

Qazi Muhammad Ahmad Kazmi : With reference to part (d) of the question, are the Government of India under any obligation to provide ecclesiastical services for civilians also?

The Honourable Sir Frank Noyce : I have stated so, Sir.

Qazi Muhammad Ahmad Kazmi : "That the Government of India are not under any obligation to provide ecclesiastical services for civilians"?

The Honourable Sir Frank Noyce : They are, most certainly. I have stated that they have obligations to European British-born servants of the Crown serving in India, and these obligations apply both to military and civilian officers.

Qazi Muhammad Ahmad Kazmi : May I ask one more question?

Mr. President (The Honourable Sir Abdur Rahim) : No—this is only a matter of policy. Next question. This question has been sufficiently discussed.

RECRUITMENT OF MORE INDIANS TO THE INDIAN MEDICAL SERVICE.

1023. ***Khan Bahadur Shaikh Fazl-i-Haq Piracha :** Are Government aware of the fact that according to the scheme of Indianisation in the Indian Medical Service, the number of Indians should be 210 but at present it is only 190? If so, are Government taking any steps to recruit 20 more Indians so as to bring the ratio in accordance with the aforesaid scheme?

Mr. G. R. F. Tottenham : With your permission, Sir, I would reply questions Nos. 1023 and 1024 together.

I would refer the Honourable Member to my reply to Khan Bahadur Nawab Makhdum Sheikh Murid Hussain Qureshi's starred question No. 539 on the 22nd September, 1936.

RECRUITMENT OF MUSLIMS IN THE INDIAN MEDICAL SERVICE.

11024. ***Khan Bahadur Shaikh Fazl-i-Haq Piracha :** Are Government aware of the fact that out of 190 Indians in the Indian Medical Service there are only 27 Muslims at present? If so, do Government propose to take any step so as to bring the ratio of the Muslims in the Indian Medical Service to the ratio as laid down in the Government of India notifications?

†For answer to this question, see answer to question No. 1023.

MONEY CIRCULATING SCHEME STARTED BY CERTAIN FIRMS.

1025. *Khan Bahadur Shaikh Fazl-i-Haq Piracha : (a) Are Government aware that certain firms in Calcutta, Allahabad, Lucknow, Bombay and Karachi are issuing one-rupee policies, known as the "Money Circulating Scheme" ?

(b) If so, will Government be pleased to state the names of those registered under the Partnership Act of 1932 in the cities named in part (a) ?

The Honourable Sir Muhammad Zafrullah Khan : Sir, with your permission I shall answer questions Nos. 1025 and 1026 together. The matter is now under correspondence with the Local Governments concerned and a reply will be given as soon as the necessary investigations are complete.

MONEY CIRCULATING SCHEME STARTED BY CERTAIN FIRMS.

†1026. *Khan Bahadur Shaikh Fazl-i-Haq Piracha : Is it a fact that the promoters of the Money Circulating Scheme have to obtain Government sanction before starting the business ? If so, under what law ?

MONEY CIRCULATING SCHEME STARTED BY CERTAIN FIRMS.

1027. *Khan Bahadur Shaikh Fazl-i-Haq Piracha : (a) Is it a fact that the Postal Department has issued a Department Circular to encourage the Money Circulating Scheme ?

(b) How do Government propose to encourage the scheme ?

The Honourable Sir Frank Noyce : (a) Certainly not.

(b) Government have no intention of encouraging such schemes.

MONEY CIRCULATING SCHEME STARTED BY CERTAIN FIRMS.

1028. *Khan Bahadur Shaikh Fazl-i-Haq Piracha : (a) Are Government aware that Money Circulating Scheme policyholders have to send Re. 1 by Money Order and the firms send V. P. P. for realizing annas three or annas four ?

(b) Are Government, with a view to reduce the burden and encourage more business, prepared to reduce the Money Order fee, V. P. commission and accept V. P. articles without necessary registration ? If not, why not ?

The Honourable Sir Frank Noyce : (a) Government have no information.

(b) No ; the present rates were not fixed with any intention of encouraging business of this kind.

MUSLIM REFRESHMENT ROOMS AT CERTAIN RAILWAY STATIONS.

1029. *Khan Bahadur Shaikh Fazl-i-Haq Piracha : (a) Is it a fact that Muslim Refreshment Rooms at Allahabad, Cawnpore, Lucknow, Kalka and Delhi are under the control of various contractors ? If so, what are the terms of contract ?

†For answer to this question, see answer to question No. 1025.

(b) Is it a fact that Muslim Refreshment Room at Allahabad is conducted by a non-Muslim contractor ? If so, why ?

(c) Are Government aware that quality of food supplied at Cawnpore and Allahabad Muslim Refreshment Rooms is very inferior and unsatisfactory and the charges sometimes higher than those in the schedule ?

(d) Are Government aware that the Complaint Book of the Muslim Refreshment Room is not kept on the table for noting the complaints of the customers, and in case the customers demand it, they are informed that it is kept locked by the Manager, and the Manager is out ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes. I am placing in the Library of the House a copy of the Agreements executed by the various contractors.

(b) The firm of Messrs. S. L. Kapoor and Company consists of three partners : one of whom is a Hindu, one a Muhammadan and the third a Christian.

(c) and (d). No : I am, however, bringing the Honourable Member's question to the notice of the Agent, East Indian Railway.

NON-APPOINTMENT OF POSTMEN IN CALCUTTA IN THE LOWER DIVISION POSTS.

1030. *Mr. Anugrah Narayan Sinha : (a) Is it a fact that the late Director General, Posts and Telegraphs (Sir Thomas Ryan) decided in his communication No. Es.-B.-109-3/32, dated Simla, the 18th August, 1932, that 50 per cent. of the lower division cadre posts will go to the ex-approved candidates of clerical cadre and the remaining 50 per cent. to the postmen ?

(b) If the answer to part (a) be in the affirmative, why were 50 per cent. posts in the lower division cadre not given to the postmen in the Calcutta General Post Office and its Town Sub-Offices ?

(c) Is it a fact that in the lower division cadre in the Calcutta General Post Office and its Town Sub-Offices, outsiders, stamp-vendors and Native Christians were appointed in supersession of the claims of the postmen in the Calcutta General Post Office and its Town Sub-Offices ?

(d) How many lower division posts were created in Calcutta and how many posts out of them were conferred upon postmen and how many upon others ?

The Honourable Sir Frank Noyce : (a) The facts are not as stated by the Honourable Member. The order referred to stated that lower division posts were to be offered to qualified men of the postmen class and to discharged approved candidates alternately and that if a sufficient number of qualified postmen were not forthcoming the deficiency should be made up by increasing the recruitment of ex-approved candidates.

(b) Does not arise.

(c) and (d). Government have no information and do not propose to call for it. It is open to the officials, if they have a grievance, to represent it to the proper authority.

[10TH OCT. 1936.]

CANDIDATE POSTMEN IN CALCUTTA.

1031. ***Mr. Anugrah Narayan Sinha** : (a) Is it a fact that there were over one hundred candidate postmen in Calcutta and they were enlisted some years back, say from 1925 to 1931 ?

(b) Is it also a fact that they were subjected to a test held in 1934, but the result was announced in 1936, and, out of them, some 73 were declared unsuccessful and their names were struck off the list of candidates ?

(c) Is it a fact that they have represented their case to the proper authorities and at present their case is under consideration of the Director General, Posts and Telegraphs ?

(d) Will Government be pleased to state if they propose to provide those men in the Department ? If not, why not ?

The Honourable Sir Frank Noyce : (a) Yes. The exact number involved was 226.

(b) Yes.

(c) The Director-General has already considered the case of these candidates but has been unable to interfere on their behalf.

(d) Government are unable to consent to the employment of men who have failed to pass the elementary test imposed to the exclusion of a considerable number of members of the lower grade staff who have qualified for appointment and are available to fill vacancies.

NON-INCREASE IN THE NUMBER OF POSTMEN IN CALCUTTA.

1032. ***Mr. Anugrah Narayan Sinha** : Are Government aware that the areas of beats in Calcutta have increased during recent years ? If so, why has not the number of postmen been increased, and why has the existing staff been overburdened with work ?

The Honourable Sir Frank Noyce : Government have no information. The matter is within the competence of the Postmaster General, Bengal and Assam Circle, to whom a copy of the question and the reply will be sent for such action as he may consider necessary.

BOOK-BINDERS IN THE CALCUTTA GENERAL POST OFFICE AND ITS TOWN SUB-OFFICES.

1033. ***Mr. Anugrah Narayan Sinha** : (a) Is it a fact that the appointments of the book-binders in the Calcutta General Post Office and its Town Sub-Offices were transferred from the inferior class to superior class and their designations were changed into dufftries, with effect from the 1st December, 1919 ?

(b) Is it also a fact that these servants of the Government have since been re-transferred to inferior class ? If so, why ?

(c) Do Government propose to restore those public servants to the superior class ?

The Honourable Sir Frank Noyce : (a) The facts are not exactly as stated by the Honourable Member. Two appointments of book-binders

existed in the Calcutta General Post Office only, and these were abolished from the 1st July, 1917. They were replaced by two peons in inferior service. There were no book-binders in any town sub-office. Thus no men in the class of book-binders existed on the 1st December, 1919, from which date *dufftries* were transferred to the superior class.

(b) The answer to the first part of this question is in the affirmative. The orders were issued in 1921. As regards the second part, the reason is that *dufftries* neither possess the superior educational or other qualifications nor do they perform work of such a nature and responsibility as should entitle them to superior service conditions.

(c) No.

PLACING OF THE FORM SUPPLIERS OF THE POSTAL STOCK DEPÔT IN SUPERIOR SERVICE.

1034. ***Mr. Anugrah Narayan Sinha** : (a) Is it a fact that the duties of the form suppliers of the Postal Stock Depôt and the roneo printers and record suppliers of the Postmaster General's Office are identical, but the former are in inferior service and the latter in superior service ?

(b) Will Government be pleased to state the reasons for this differentiation, and do they propose to place the form suppliers of the Postal Stock Depôt in superior service and increase the scale of their pay ?

The Honourable Sir Frank Noyce : (a) The duties of form suppliers of the Postal Stock Depôt and record suppliers of the Postmaster General's Office are similar in many respects. Both are in inferior service. There is no appointment of roneo printer in any Postmaster General's Office.

(b) Does not arise.

RECRUITMENT IN POST OFFICES OF THE SONS AND RELATIVES OF POSTAL STAFF.

1035. ***Mr. Anugrah Narayan Sinha** : (a) Is it a fact that in terms of the Revenue Division Rules, sons and relatives of the postal servants serving in a province other than their own, are not recruited in the Post Offices in the provinces in which they serve ?

(b) Are Government prepared to revise the orders regarding preference to be shown to the sons and relatives of the Government servants either in the provinces they originally belong to or in the provinces in which they serve ?

The Honourable Sir Frank Noyce : (a) Yes, provided the word "Postal Circle" is substituted for the word "Province".

(b) No.

RECRUITMENT OF BIHARIS AND URIYAS IN THE DEAD LETTER OFFICE, CALCUTTA.

1036. ***Mr. Anugrah Narayan Sinha** : Is it a fact that the Provinces of Bihar and Orissa are served by the Dead Letter Office at Calcutta ? If so, are Beharees and Uriyas recruited in the Dead Letter Office at Calcutta ? If not, why not ?

The Honourable Sir Frank Noyce : The reply to the first part of the question is in the affirmative. As regards the latter part, recruitment in the Dead Letter Offices is governed by the departmental rules regarding recruitment on a local area basis and Government see no reason to depart from them in the case of the Dead Letter Office, Calcutta.

RIGHTS AND PRIVILEGES OF THE STAFF OF THE DEAD LETTER OFFICES.

1037. ***Mr. Anugraha Narayan Sinha :** (a) Are Government aware that the Postal Enquiry Committee 1934-35 recommended the creation of Directory offices and one single Dead Letter Office for India, instead of so many, but those recommendations were rejected by Government? If so, will Government state what reasons were given by that body that the privileges as regards holidays and working hours hitherto enjoyed by the Dead Letter Offices in India have now been curtailed by recent orders of Government?

(b) Are Government prepared to restore to the Dead Letter Offices all the rights and privileges as formerly enjoyed by them?

The Honourable Sir Frank Noyce : (a) The reply to the first part is in the affirmative. As regards the second part, the attention of the Honourable Member is invited to paragraphs 73 to 89 of the Postal Enquiry Committee's Report, a copy of which is in the Library of the House. After carefully considering all aspects of the matter, including the nature of the work done, the Government of India came to the conclusion that there was no justification for prescribing for Dead Letter Offices a number of daily hours of duty less than that prescribed for clerks in the Post Office and in the Railway Mail Service.

(b) No.

REDUCTION IN THE PAY OF THE MANAGERS AND THE ASSISTANT MANAGERS OF THE DEAD LETTER OFFICES.

1038. ***Mr. Anugraha Narayan Sinha :** Will Government be pleased to state the causes under which the pay of the Managers and the Assistant Managers of the Dead Letter Offices were reduced recently?

The Honourable Sir Frank Noyce : The pay of the Managers and Assistant Managers of the Dead Letter Offices at Bombay and Calcutta and of the Manager, Rangoon Dead Letter Office, only has been reduced. The reason for this reduction was that the strength of the establishment under their control had decreased owing to the fall in traffic and changes in method of work and the higher rates of pay were, therefore, no longer justified.

RESTORATION OF EXTRA-DEPARTMENTAL SUB-POST OFFICE AT KOTLA.

1039. ***Raizada Hans Raj :** (a) Is it a fact that Kotla in the Kangra district (Punjab) had a combined sub-office with a telegraph branch and was abolished in the year 1931 due to financial stringency?

(b) Is it a fact that the status of this sub-office was reduced to extra-departmental sub-office soon after the abolition of telegraph branch?

(c) Is it also a fact that its status was further reduced to extra-departmental branch office in the year 1932?

(d) Has the attention of Government been drawn to the various letters published in the Press namely in the *Civil and Military Gazette*, Lahore, dated the 13th June, and 24th June, 1936, *Daily Herald*, Lahore, dated the 29th June, 1936, and the *Tribune*, Lahore, dated the 8th August, 1936, regarding the restoration of extra-departmental sub-office at Kotla?

(e) If the reply to part (d) above be in the affirmative what action have Government taken in the matter?

(f) Are Government aware that Kotla being situated in the heart of grand trunk road running from Amritsar to Kulu is of vital importance to travelling public, pilgrims, and inhabitants of Kotla and its suburbs?

(g) What action do Government propose to take in the matter, in view of the scheme to extend postal facilities into rural areas for which Rs. 2 lakhs have already been sanctioned and placed at the disposal of Postmasters General?

(h) Are Government prepared to restore the telegraphic facilities to this town in the rural area of the Kangra district, and are Government aware that this would only necessitate a creation of a ten miles line from Shahpur sub-office?

(i) Will Government please lay on the table a statement showing the receipt and issue of money orders and other registered articles from and to Kotla branch office for the months of April to July, 1936?

(j) Are Government prepared to consider the desirability of restoring an extra-departmental sub-office in view of the expansion of *dak* of the town and saving banks work as compared with the year 1932, when its status was reduced to extra-departmental branch office?

(k) What action do Government intend to take in restoring the sub-post office at Kotla?

The Honourable Sir Frank Noyce : (a), (b) and (c). Yes.

(d) Government have now seen the articles mentioned.

(e), (g), (h), (j) and (k). The existing extra-departmental branch post office at Kotla provides all the postal facilities and therefore there is no need to raise its status. As regards telegraph facilities, previous experience has shown that the amount of telegraph traffic was extremely small being less than one message on an average per day sent and received. It is not therefore possible to give telegraph facilities unless those interested are prepared to guarantee the Department against the loss which will certainly be incurred if this office is converted into a telegraph office. The raising of the status of the office from an extra-departmental branch office to an extra-departmental sub-office involves additional expenditure without any commensurate advantage to the public and Government therefore see no justification for doing so.

(f) Government are prepared to accept the statement made by the Honourable Member which, however, I would add is hardly borne out by experience of the telegraph traffic of the station.

(i) A statement is laid on the table.

Statement showing the receipt and issue of money orders and other registered articles from and to Kolla branch office during the four months April to July, 1936.

			Number.	Rs. a. p.
Registered letters and packets	Posted ..	..	50	
	Delivered ..	..	92	
Registered parcels ..	Posted ..	..	10	
	Delivered ..	..	13	
Money orders ..	Issued ..	..	155	
	Paid ..	..	(Amount 305)	2,113 7 6)
Insured letters ..	Posted ..	..	24	
	Delivered ..	..	8	
Insured parcels ..	Posted ..	..	..	
	Delivered ..	..	..	
V. P. Parcels ..	Posted ..	..	..	
	Delivered ..	..	15	
V. P. letters ..	Posted ..	..	1	
	Delivered ..	..	14	

PREFERENTIAL TREATMENT SHOWN TO A EUROPEAN FIRM IN THE MATTER OF TESTING OF PAINTS.

1040. *Sardar Sant Singh : (a) Is it a fact that Messrs. Murarka Paint and Varnish Works, Limited, Calcutta, along with three samples of Red Oxide Paint Ready Mixed against Indian Stores Department Order No. M.-7344, dated 14th March, 1936, submitted on 4th April, 1936 to the East Indian Railway a sample No. P.4216 of five gallons Red Oxide Ready Mixed Paint containing about 70 per cent. Ferric Oxide ?

(b) Is it a fact that Mr. T. G. Creighton, who was carrying out the test, returned the sample without testing ? If so, will Government be pleased to state the reasons for not including the sample in the test ?

(c) Is it also a fact that as many as six samples of Ready Mixed Red Oxide paint submitted by Messrs. Jenson and Nicholson in April, 1936 were tested by Mr. T. G. Creighton in Lillooah Workshops ?

(d) Are Government aware of the fact that samples of the Black Paint from the European Firm, Messrs. Jenson and Nicholson have been repeatedly tested for over five times ?

(e) Will Government be pleased to state the reasons for such preferential treatment to the European firm and depriving the Indian firm of the first test ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) Yes. Because only samples quoted against the I. S. D. tender were tested. The additional sample sent by this firm was not tendered to the Indian Stores Department, nor was it called for in the official instructions sent to paint manufacturers to submit samples.

(c) Yes. Because all these different paints were quoted against the Indian Stores Department call for tenders.

(d) No.

(e) Does not arise.

USE OF SPRAY GUNS FOR PAINTING OF WAGONS.

1041. *Sardar Sant Singh : (a) Will Government be pleased to state the additional number of spray guns and equipments that may be required to be purchased for painting wagons since the introduction of the Red Oxide Paint, and also state the total cost for such purchases ?

(b) Is it a fact that the spray guns are all of foreign make and imported into India ?

(c) Will Government be pleased to state if the spray guns used so far for painting of wagons with Black Paints can also be used with equal efficiency for painting the wagons with Red Oxide Paints ?

(d) If not, will Government be pleased to state in what respects the spray guns for Black Paints are now found wanting ?

(e) If, however, the reply to part (c) be in the affirmative, will Government be pleased to state the reasons for purchasing an additional number of spray guns simultaneously with the introduction of the Red Oxide Paint ?

The Honourable Sir Muhammad Zafrullah Khan : (a) No additional spray guns and equipment are required to be purchased as a result of the introduction of the Red Oxide Paint.

(b) Yes.

(c) Yes.

(d) and (e). Do not arise.

PURCHASE OF BITUMINOUS SOLUTION.

1042. *Sardar Sant Singh : (a) Is it a fact that bituminous solution manufactured in Europe under different proprietary names, such as (1) Bitumastic Black, (2) Bitumastic Black Enamel, (3) Ferrobit, (4) Bituminous Black, (5) Bitumite and (6) Bouronite, etc., are being regularly purchased by the Indian Stores Department ?

(b) Will Government be pleased to state the quantities of each of the above proprietary foreign bituminous solutions that have been purchased by the Indian Stores Department during the years 1931-32, 1932-33, 1933-34 and 1934-35 and will they be pleased to quote the rates at which each of these articles has been purchased during each of these years ?

(c) Will Government be pleased to state the reasons why the Indian Stores Department accepts foreign goods from foreign firms against the indigenous approved products of Indian firms ?

(d) Do Government propose to enquire into the matter and take steps for non-recurrence of such preferential treatment to foreign articles ?

The Honourable Sir Frank Noyce : (a) and (c). Small quantities of imported proprietary brands of bituminous solutions are purchased from time to time against specific demands from indenting authorities.

(b) It will be necessary to search through the records of the past four years of the Headquarters and Provincial Purchase Offices of the Indian Stores Department in order to compile the figures of the annual purchase of proprietary foreign bituminous solutions since 1931-32 and I trust that the Honourable Member will not press for the information. I can assure him, however, that such purchases were small. For instance during the year 1935-36 only 1,590 gallons of imported solution against 31,548 gallons of the Indian-made bituminous solution were drawn against the Indian Stores Department Headquarters annual rate contract.

A statement showing the Headquarters Rate contract rates for certain brands of imported bituminous solutions for the years 1931-32 to 1934-35 is placed on the table.

(d) Does not arise.

Imported solutions.

Rates per gallon in 5 gallon drums.

1931-32—

(i) Rs. 1-11-0 for Ebonite black.

(ii) Rs. 3-14-0 for Wailes Dove bitumastic black. F. O. R., Calcutta.

1932-33—

Rs. 3-12-0 for Wailes Dove. F. O. R., Calcutta.

1933-34—

Rs. 2-12-0 in 40/45 gallon drums. Robert Kearsleys bituminous solution black. F. O. R., Calcutta.

1934-35—

No contract placed.

DELAY IN ENFORCING THE SANITARY RULES IN AINDRI NEAR SIMLA.

1043. ***Sardar Sant Singh :** (a) With reference to the answers given to starred questions Nos. 1497 and 1533 on the 8th and 9th April, 1936, that all the sanitary rules and municipal bye-laws are operative in Aindri and that Aindri is never neglected by the sanitary staff with regard to the sanitation, will Government please state what measures directed against fly breeding have so far been enforced? If none, why not?

(b) What are the reasons for keeping in suspense such a vital question, which affects the health of clerks living in Government quarters at Summerhill? Who is responsible for the loss of their health and other consequences arising on account of insanitation?

(c) Is it a fact that Simla Municipality passed resolution No. XVII, dated the 7th August, 1935, strictly enforcing sanitary rules in Aindri? If so, will Government kindly state the reasons for not giving effect to this resolution?

(d) Is it a fact that the Health Officer, Simla, and the Medical Officer-in-charge, Summerhill Dispensary, made certain recommendations, with regard to the sanitation at Aindri? If so, will Government

kindly lay a copy of their recommendations on the table of this House? Have these recommendations been carried out? If not, why not?

(e) Is it a fact that Mr. Sharma and his solicitor, Mr. P. C. Khosla, sent letters to the Public Health Commissioner, Secretary, Education, Health and Lands and Health Officer, Simla, stating that nothing has so far been done to improve the sanitation and check the fly-breeding at Aindri, as promised by Government? If so, what action was taken by the authorities on the representation? If none, why not?

(f) What are the special reasons for this delay in enforcing the sanitary rules in Aindri?

(g) Do Government propose to enquire into the conduct of the staff under the Simla Municipal Administration in accordance with the Public Servants' Enquiry Act of 1850 and, if not, why not?

Sir Girja Shankar Bajpai : (a) The Honourable Member has not quoted my replies correctly. What I said was that the Municipality had decided to enforce measures against fly-breeding in such villages as Aindri and that the sanitary staff did not neglect this area but difficulty was experienced in enforcing the rules. Every effort has been made by the Health Department to persuade the *gowalas* and zamindars to check fly-breeding by storing manure in suitable pits.

(b), (c), (d) and (f). The Health Officer recommended that *gowalas* or zamindars living at Aindri and other villages in the neighbourhood of residential houses should be required to comply strictly with the ordinary sanitary precautions for abatement of the fly and smell nuisance by construction of cow-sheds with *pucca* floors and proper drainage and ventilation, and by depositing the manure in pits at a sufficient distance from human habitation. Government understand that the recommendation was accepted by the Municipal Committee, but that owing to various difficulties, including some miscalculation regarding the cost of the repairs and improvements which would be required, and the claims made by the *gowalas* to zamindari and hereditary rights, it has not so far been found possible to give effect to the recommendations.

(e) Government understand that a representation from Mr. Khosla was received by the Municipal Committee, but that it has not so far been possible to remedy the complaints made in it owing to the difficulties just mentioned.

(g) Government are not aware that the Municipal staff is in any way at fault. The delay in carrying out the recommendations of the Health authorities has arisen from the fact that the *gowalas* concerned have protested and their representations have not yet been disposed of. The Government of India will impress on the authorities concerned the need for early action.

NON-STOPPAGE OF 1-UP AND 2-DOWN TRAINS AT SHAHABAD MARKANDA ON THE NORTH WESTERN RAILWAY.

1044. ***Sardar Sant Singh :** (a) Will Government be pleased to state the reasons for the non-stoppage of 1-Up and 2-Down trains at the Railway station Shahabad Markanda on the Delhi-Umbala-Kalka section of the North Western Railway?

(b) Is it a fact that when the Delhi-Umbala-Kalka section was run by the East Indian Railway prior to 1925, all the mail and passenger trains used to stop at the said Railway station ?

(c) Is it also a fact that both 1-Up and 2-Down trains used to stop at the said railway station, even after taking over of the section by the North Western Railway ?

(d) Is it a fact that Grand Trunk Road runs exactly parallel to the railway line on either side of the Railway station Shahabad Markanda, and are Government aware that the inhabitants of Shahabad have resolved to use motor bus, as a protest against the non-stoppage of 1-Up and 2-Down trains at Shahabad Markanda Railway Station ?

(e) Is it a fact that between 6 P.M. and 6 A.M. there is no Down passenger train for Shahabad Markanda Railway station for passengers who come from the Punjab, Saharanpur, or Kalka side ? If so, are Government aware that it is inconvenient for passengers to wait for full 12 hours in order to catch a train for Shahabad Markanda Railway station from Ambala Cantonment ?

(f) Are Government aware that the non-stoppage of the 2-Down has affected the railway earning and encouraged the running of motor buses ?

(g) Is it a fact that in the last winter season the Deputy Commissioner, Karnal, on behalf of the inhabitants of Shahabad, wrote to the Divisional Superintendent, North Western Railway, Delhi, or the Agent, North Western Railway, for the stoppage of 34-Down and 2-Down trains at Shahabad Markanda Railway Station, impressing upon the Railway authorities the importance of the Railway station Shahabad Markanda, whereupon the stoppage of 34-Down, the most important train, was ordered but not of the 2-Down ?

(h) Do Government propose to issue orders for the stoppage of the 2-Down or of both 1-Up and 2-Down trains at Shahabad Markanda for two minutes, curtailing the time from the halt of the train at Ambala Cantonment, in order to defy motor competition and to remove the inconvenience of the passengers for Shahabad Markanda at night time ? If not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) In the opinion of the Administration, the traffic offering at this station does not justify the stoppage of these trains.

(b) No. In April, 1925, when this section was transferred to the North Western Railway, all up trains were booked to stop at this station, but one Down Passenger and the Down Calcutta Mail did not stop.

(c) 1-Up Mail continued to stop up to the 28th February, 1927, but the arrangement was then discontinued as the traffic did not justify it.

No. 2-Down was booked to stop from the 1st October, 1933, to 30th September, 1934, as an experimental arrangement, but a continuance of this arrangement was not found to be justified.

(d) The reply to the first part is in the affirmative ; and, as regards the second part, Government have no information.

(e) Yes. A census of passengers arriving at Ambala Cantonment booked for Shahabad Markanda between the hours of 6 P.M. and 6 A.M.

was recently taken for four successive days : on the first day there was only one passenger from Kalka, on the second day, four from stations on the Bhatinda-Rajpura section and two from Mustafabad, on the third day none, and on the fourth, one from Ferozepore.

(f) 2-Down Mail passes through Shahabad Markanda at 2.40 A.M., and the non-stoppage of the train at their station does not, it is believed, divert traffic to the road at that hour.

(g) Yes : it was the Divisional Superintendent, Delhi, who was written to. He arranged the stoppage of 34-Down as it was passing through the station at a convenient hour, i.e. about 2 P.M.

(h) No : these are detailed matters of administration which Government must leave to the Agent and his officers to deal with.

ISSUE OF SINGLE AND RETURN TICKETS AT REDUCED RATES FROM SHAHABAD MARKANDA ON THE NORTH WESTERN RAILWAY TO CERTAIN PLACES.

1045. ***Sardar Sant Singh :** (a) Is it a fact that the Railway Administration have reduced the railway fare in order to meet the motor competition at several places on the North Western Railway ? If so, what steps have the North Western Railway taken at Shahabad Markanda Railway station, from where motors ply to and from Ambala Cantonment, Kurkshetra, and Karnal ?

(b) In order to defy motor competition, do Government propose to issue return or single tickets from Shahabad Markanda Railway station at reduced rates as an experimental measure for a short time ? If not, why not ?

(c) Are Government aware that the motor stand is just in front of the Railway station at Shahabad Markanda, and the passengers are tempted to use motor bus at reduced rates ?

(d) Do Government propose to issue single tickets from Shahabad Markanda Railway station to Ambala Cantonment, Kurkshetra, and Karnal, for annas two, two, and six, respectively, or to issue cheap one-day return tickets for litigants and businessmen from the Shahabad Markanda Railway station to Ambala, Kurkshetra and Karnal, as has been done on other stations on the North Western Railway ? If not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The reply to the first part is in the affirmative, and to the second " none ".

(b) and (d). No: the Agent states that the value of traffic that may be recovered from the road by the issue of tickets at concession fares will be outweighed by the loss on the traffic that would in any case be carried by rail.

(c) Yes ; it is not the incidence of the fares that induces passengers to travel by bus, as the fares by rail and road are almost equal.

LACK OF WATER ARRANGEMENTS AT KOT DAYA KISHEN ON THE NORTH WESTERN RAILWAY.

1046. ***Sardar Sant Singh :** (a) Is it a fact that no water supply arrangements exist at Railway station at Kot Daya Kishen (North Western Railway) for Hindus and Sikhs ?

(b) Are Government aware that passengers suffered a good deal for lack of water during the last summer ?

(c) Is it a fact that several complaints were made to the authorities ? If so, what steps are being taken to remove this complaint ?

The Honourable Sir Muhammad Zafrullah Khan : (a) No. Drinking water in *ghurras* is always available.

(b) The Administration have no reason to believe that this was the case.

(c) Two requests were received from Hindu and Sikh residents of villages situated near the station asking for the appointment of a Hindu waterman instead of a Muhammadan waterman. These requests were not acceded to, as Hindu watermen are posted at both stations on either side of Kot Daya Kishen station and Hindu watermen also travel on all day trains between Jaranwala and Chichoki Mallian.

QUESTIONS OF FRAUD IN CONNECTION WITH RAILWAY TICKETS.

1047. ***Dr. N. B. Khare :** Is it a fact that the questions of frauds in connection with railway tickets was discussed at the sixteenth (1935) meeting of the Audit and Accounts Committee of the Indian Railway Conference Association ? If so, will Government please place on the table a copy of the proceedings and the recommendations ?

The Honourable Sir Muhammad Zafrullah Khan : Yes : the rules of the Conference Association do not permit of copies of their proceedings being supplied to other than members of the Association.

ARRANGEMENT FOR *Melas* AT HARDWAR, GARHMUKTESAR AND ROORKEE ON THE EAST INDIAN RAILWAY.

048. ***Dr. N. B. Khare :** With reference to the reply given to starred questions Nos. 911 and 912, asked in this House on the 13th September, 1933, regarding arrangements for *melas* at Hardwar, Garhmuktesar and Roorkee on East Indian Railway, will Government please state the result of the consideration of the points by the Agent, East Indian Railway and to place before this House the requisite information sought in those questions ?

The Honourable Sir Muhammad Zafrullah Khan : Government have not got the information asked for in question Nos. 911 and 912 and do not consider that they would be justified in requiring the Administration to prepare the somewhat compendious pamphlet that would be necessary to deal with these two questions. The fact that Government have not received any complaints in regard to subsequent *melas* would seem to indicate that due consideration was given by the Agent to the points referred to.

PROTECTION OF THE HONOUR OF FEMALES USING PASSENGER HALL AT MORADABAD.

1049. ***Dr. N. B. Khare :** (a) Is it a fact that there is a Punjab Hotel at Moradabad just opposite the Railway Passengers' Hall ?

(b) What is the protection for females using the Passenger Hall against ruffians ?

(c) Are Government aware that lonely females are molested by the staff of the Punjab Hotel ?

(d) Is it a fact that the staff of the Punjab Hotel is provided by the Railway Administration with permits to visit the station buildings without any restrictions ?

(e) Is it a fact that the staff of the Punjab Hotel always loiter round the Passenger Halls and station buildings ?

(f) Are Government prepared to take adequate steps to protect the honour of female travelling public using the Passenger Hall at Moradabad ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) The hall has a fencing with an exit gate opening on to the main road and the *zenana* waiting room is located alongside the passenger waiting hall and within the palisade fencing. An *ayah* is also in attendance at the *zenana* waiting room.

(c) and (e). The Administration does not appear to have received any complaint on these points.

(d) One permit has been issued for the hotel guide to enable him to meet trains on arrival.

(f) Does not arise.

COLLISION OF SPECIAL *Mela* TRAINS AT KALAT RAILWAY STATION, NORTH WESTERN RAILWAY.

1050. ***Dr. N. B. Khare :** Is it a fact that a collision between two special *mela* trains at Kalat railway station on the Narwana-Kurukshetra Section of the North Western Railway occurred in the early hours on the 18th June, 1936 ? If so, will the Honourable Member for Commerce and Railways, please state the circumstances and particulars of the accident, along with the result of the Departmental and Magisterial inquiries conducted thereon ?

The Honourable Sir Muhammad Zafrullah Khan : I would refer the Honourable Member to the reply I gave to Mr. Lalechand Navalrai's question No. 411 on the 16th September, 1936. As the case is still *sub judice* I am unable to give any further information.

Mr. M. Ananthasayanam Ayyangar : May I know what the amount of loss has been both in men and in property ?

The Honourable Sir Muhammad Zafrullah Khan : I believe I have referred to that also in reply to question No. 411.

INADMISSIBILITY OF OFFICIATING ALLOWANCE TO NON-GAZETTED STAFF ON STATE RAILWAYS.

1051. ***Dr. N. B. Khare :** Will Government please state the rule under which the officiating allowance in the resultant vacancy is inadmissible to non-gazetted staff on State Railways ?

Mr. P. R. Rau : No officiating allowance is allowed on railways, whether for gazetted or non-gazetted staff, when the period is not more than three weeks.

PERIOD FOR CLAIMING THE TRAVELLING ALLOWANCE ON THE NORTH WESTERN RAILWAY.

1052. *Dr. N. B. Khare : Has the attention of the Governor General in Council been drawn towards paragraph 3 of Notification No. 359, published in North Western Railway Weekly Gazette, No. 42 of 1930 reading :

" 3. It is hereby notified for the information and guidance of the staff, that with effect from 1st December, 1930, the maximum period during which the staff are expected to claim the travelling allowance, is fixed as three months from the date of the expiry of the month during which it is earned, and that no claim for travelling allowance, which has not been claimed within this period, will be entertained unless it is proved to the satisfaction of the office sanctioning the payment of the allowance, that omission to claim it within the period of three months referred to above was due to circumstances over which the party concerned had no control " ?

If so, will the Honourable Member for Commerce and Railways please state the period required by the sanctioning and paying authority of the administration for the payment of claims for travelling allowance submitted within the prescribed period ? If none, why not ?

Mr. P. R. Rau : The answer to the first part of the question is in the affirmative.

As regards the second part, no period has been fixed, because it is expected that claims will be disbursed as early as possible.

ALLOTMENT OF RESIDENTIAL BUILDINGS TO THE STATE RAILWAY STAFF.

1053. *Dr. N. B. Khare : Will Government please state the policy of administration for allotment of residential buildings, rent free, and rent payable, to staff, both gazetted and non-gazetted, on State Railways ?

Mr. P. R. Rau : With your permission, Sir, I propose to reply to questions Nos. 1053, 1054 and 1055 together. I would refer the Honourable Member to the rules in Chapter II (Residential Buildings) of the State Railway Code (Revised), a copy of which is in the Library of the House.

Mr. M. Ananthasayanam Ayyangar : May I know if the menial staff has been provided with accommodation ?

Mr. P. R. Rau : Not all the menial staff.

Mr. M. Ananthasayanam Ayyangar : Is all the higher staff provided with accommodation ?

Mr. P. R. Rau : No.

Mr. M. Ananthasayanam Ayyangar : Why not provide accommodation for the entire menial staff ?

Mr. P. R. Rau : That would be too costly, Sir.

RULES GOVERNING THE OCCUPATION OF RESIDENTIAL BUILDINGS ON STATE RAILWAYS.

†1054. *Dr. N. B. Khare : Will Government please place on the table a copy of the rules governing the occupation of residential buildings on State Railways ?

†For answer to this question, see answer to question No. 1053.

RULES GOVERNING THE ALLOTMENT OF RESIDENTIAL BUILDINGS TO STATE RAILWAY STAFF.

†1055. *Dr. N. B. Khare : Will Government please place on the table a copy of the rules governing the allotment of residential buildings to staff, both gazetted and non-gazetted, on State Railways ?

RENT RECOVERED FOR RESIDENTIAL BUILDINGS FROM STATE RAILWAY STAFF AND OUTSIDERS.

1056. *Dr. N. B. Khare : Will Government please place on the table a statement of rent recovered on account of residential buildings during 1935-36 from staff (gazetted and non-gazetted separately) on State Railways and from outsiders, administrationwise ?

Mr. P. R. Rau : Such information as may be readily available is being collected and will be placed on the table of the House in due course.

NOTIFICATION INVESTING THE RAILWAY BOARD WITH THE POWER OF THE OFFICER REFERRED TO IN SECTION 47 OF THE INDIAN RAILWAYS ACT.

1057. *Dr. N. B. Khare : Will Government please state the date of the Notification in the Gazette of India, in which the Governor General in Council invested the Railway Board with the power of the officer referred to in section 47 of the Indian Railways Act, 1905, as required by section 2 of Act IV of 1905 ?

Mr. P. R. Rau : I would refer the Honourable Member to the Government of India, Department of Commerce and Industry's notification No. 801, dated the 24th March, 1905.

NOTIFICATION OF THE RAILWAY BOARD MAKING RULES IN RESPECT OF CERTAIN MATTERS.

1058. *Dr. N. B. Khare : Will Government please state the date of the Notification in the Gazette of India, in which the Railway Board made the rules under section 47 (1) (e) of the Indian Railways Act in respect of :

- (a) recruitment ; (b) pay and allowances ; (c) conditions of service ; (d) discipline ; (e) conduct ; (f) classification ; (g) control ; and (h) appeal ; pertaining to non-gazetted staff, including menials—(railway servants) on State Railways ?

Mr. P. R. Rau : With your permission, Sir, I propose to reply to this and the following question together.

Section 47, sub-section (1), clause (e) of the Indian Railways Act, 1890, refers to rules for regulating the conduct of railway servants. These rules as also other rules including those to be made under sub-section (2) of section 47 were last notified in the Government of India, Railway Department (Railway Board) Notification No. 1078-T., dated

†For answer to this question, see answer to question No. 1053.

the 9th March, 1929. The rules relating to the other matters referred to in these two questions are not framed under the enabling provisions of the Indian Railways Act.

NOTIFICATION OF THE RAILWAY BOARD MAKING RULES IN RESPECT OF CERTAIN MATTERS.

†1059. *Dr. N. B. Khare : Will Government please state the date of the Notification in the Gazette of India in which the Railway Board provided the punishments for the non-gazetted staff, including menials (railway servants), as referred to in section 47 (2) of the Indian Railways Act in respect of :

- (a) accidents ; (b) neglect of duty ; (c) insubordination ; (d) absence from duty without permission ; (e) overstaying of leave ; (f) loss of duty pass ; (g) passes ; (h) failing to pass examinations, tests and refresher courses ; (i) absconding from duty ; (j) over or under charges of fares or freight ; (k) misappropriation ; (l) frauds ; (m) theft ; (n) privilege ticket orders ; (o) quarrelsome ; (p) indifferent work ; (q) unsatisfactory work ; (r) conduct ; (s) dishonesty ; (t) false reports ; (u) failure to make a report ; (v) rights and privileges ; (w) tampering with official records ; (x) defiance of rules and regulations ; (y) disobedience ; (z) undermining the discipline and efficiency ; and, etc., etc. ?

NOTIFICATION AMENDING THE WORD "MANAGER" TO THE WORD "AGENT" AS USED ON STATE RAILWAYS.

1060. *Dr. N. B. Khare : Will Government please state the date of the Notification in the Gazette of India by which the word "Manager" as is used in section 3 (6) of the Indian Railways Act, is amended to the word "Agent" as is used on State Railways at present ?

Mr. P. R. Rau : I would refer the Honourable Member to the Government of India, Railway Department (Railway Board) Resolution No. 219-R.E., dated the 18th January, 1913, which appeared as Notification No. 32, dated the 22nd January, 1913.

AUTHORITIES PRESCRIBED UNDER SECTION 71-E (1) (b) OF THE INDIAN RAILWAYS ACT.

1061. *Dr. N. B. Khare : Will Government please state the authorities prescribed under section 71-E (1) (b) of the Indian Railways Act ?

Mr. P. R. Rau : I would refer the Honourable Member to Rule 4 of the Railway Servants Hours of Employment Rules, 1931, a copy of which will be found in the Library of the House.

PUNISHMENT INFLICTED UNDER SECTION 71-H OF THE INDIAN RAILWAYS ACT.

1062. *Dr. N. B. Khare : Will Government please place on the table a statement of punishments inflicted under section 71-H of the

†For answer to this question, see answer to question No. 1058.

Indian Railways Act for contraventions referred to in the reports of the Supervisor of Railway Labour for the years 1931-32-33-34 and 35 ? If none, why not ?

Mr. P. R. Rau : No punishments have so far been inflicted under section 71-H of the Indian Railways (Amendment) Act, 1930. The Supervisor of Railway Labour has not so far recommended that legal action should be taken under the Act.

Mr. Mohan Lal Saksena : What was the nature of the contravention ?

Mr. P. R. Rau : That will be found in section 71-H of the Indian Railways (Amendment) Act, 1930.

Mr. Mohan Lal Saksena : Was any punishment awarded on the report of the Supervisor of Railway Labour ?

Mr. P. R. Rau : I have just replied that no punishments have so far been inflicted under this section, because the Supervisor of Railway Labour has not recommended any legal action to be taken.

NOTIFICATIONS REGARDING THE CANCELLATIONS, RECESSON OR VARIATION OF A RULE UNDER SECTION 47 OF THE INDIAN RAILWAYS ACT.

1063. *Dr. N. B. Khare : Will Government please state the dates of Notifications in the Gazette of India in which the cancellations, recesson or variation of a rule under section 47 (1) (e) and section 47 (2) of the Indian Railways Act were published in the Gazette of India as required by section 143 of the said Act ?

Mr. P. R. Rau : I am placing on the table a list showing the notifications issued amending the Government of India, Railway Department (Railway Board) Notification No. 1078-T., dated the 9th March, 1929, under which rules under section 47 of the Indian Railways Act were notified.

List of notifications issued amending the rule notified in the Railway Department (Railway Board) Notification No. 1078-T., dated the 9th March, 1929.

No.	Date.	No.	Date.
1078-T.	.. 11th July 1929.	4713-T.	.. 24th January 1934.
1078-T.	.. 12th December 1929.	3836-T.	.. 28th March 1934.
1078-T.	.. 24th July 1931.	1078-T.-XXII	.. 7th April 1934.
1078-T-V	.. 4th February 1932.	1078-T.-III	.. 20th April 1934.
1078-T-V	.. 2nd June 1932.	1078-V/8	.. 14th June 1934.
1078-T-V	.. 11th April 1933.	3595-T.	.. 20th August 1934.
1078-T-V	.. 15th June 1933.	1078-T-V	.. 30th August 1934.
1078-T.-III	.. 27th July 1933.	1078-T.-XXV	.. 2nd October 1934.
1078-T-V	.. 7th September 1933.	1078-T.-III	.. 20th December 1934.
1078-T-V	.. 29th November 1933.	1078-T.-III	.. 5th January 1935.
3836-T.	.. 20th December 1933.	1078-T-V	.. 8th January 1935.
1078-T-V	.. 15th January 1934.	1078-T.-XXXII.	.. 12th March 1935.

No.	Date.	No.	Date.
1078-T.-V ..	27th June 1935.	1078-T.-V (Pt.).	.. 22nd April 1936.
6244-T. ..	22nd August 1935.	1078-T.-III/I ..	3rd June 1936.
6244-T. ..	30th October 1935.	1078-T.-V(II) ..	4th June 1936.
1078-T.-V...	4th November 1935.	1078-T.- XXVII.	.. 18th June 1936.
1078-T.-III	2nd January 1936.	1078-T.-V (Pt.).	.. 30th July 1936.
6021-T. ..	11th March 1936.	1078-T.-V/13 ..	1st August 1936.

OFFICERS REST HOUSES AT SIMLA.

1064. *Dr. N. B. Khare : Will Government please state the capital, recurring and maintenance costs of the Officers Rest Houses at Simla on the North Western Railway ?

Mr. P. R. Rau : With your permission, Sir, I propose to reply to questions Nos. 1064 to 1067 together.

The capital cost of the North Western Railway Officers' Rest Houses at Simla is Rs. 1,15,300 approximately. The recurring and maintenance cost per annum is Rs. 2,000 approximately. The revenue realised last year was Rs. 555. Rest Houses at Simla, as elsewhere, are provided for the temporary accommodation of touring officers travelling on duty but may also be occupied by officers not on duty, if not required at the time by officers on duty. A copy of the rules for the occupation of the Rest Houses at Simla is placed on the table.

NORTH WESTERN RAILWAY.

Agent's Circular No. 2 of 1929.

Rules governing the occupation of Officers rest houses on Kalka-Simla Section.

There are 3 Rest Houses on the Kalka-Simla Section at the stations named below, which may be occupied by officers on duty or on leave. Applications to occupy them could be made to the Assistant Operating Officer, Simla, in the case of the Rest House at Simla and to the Divisional Superintendent, Delhi, in the case of other Rest Houses, who will issue an occupation order which must be shown to the caretaker on arrival and handed over to him before leaving :

1. Simla.

- (i) The Rest House at Simla (Crowborough) consists of 4 suites of rooms self-contained and fully furnished. Each suite consists of :

- 1 Sitting Room.
- 1 Bed Room.
- 1 Dressing Room.
- 2 Bath Rooms.
- 1 Pantry.
- 1 Kitchen.

- (ii) Suites A and B are reserved for Officers on duty and suites C and D for Officers on leave. When necessary, suites C and D will also be reserved for Officers on duty.

- (iii) Officers on duty, who are likely to be in Simla for over a fortnight, are expected to make other arrangements and an officer on duty, who has occupied the Rest House for a week, may be called on to vacate it in favour of another officer on duty.

- (iv) Officers should not depend on getting the services of the Khansama when coming up on leave. He is intended for the convenience of Officers called up on duty for short period.

II. Salogra.

The Rest House at Salogra consists of 4 main rooms of which one room is reserved for officers on duty.

III. Kalka.

The Rest House at Kalka consists of one suite for Officers and one suite for Subordinates. Accommodation is not usually reserved in this Rest House.

2. The charges per day for the occupation of the Rest Houses are as follows which include the use of Kitchen Utensils, Crockery and Table Linen, Water and Sanitation, bedding is not provided :

	Simla per suite.	Salogra.	Kalka per suite.
Officials on duty	Free	Free	Free.
Officials on leave	Re. 1.	Re. 1.	Annas 8.

Lighting charges will be levied at the following rates from the occupants whether on leave or on duty :

- (a) Electric lamps Annas 4 per night for suite of single room and bathroom.
- (b) Electric lamps Annas 8 per night for suites of two rooms and bathrooms.
- (c) Oil lamps Annas 3 per bottle of kerosine oil.

Wood fuel to be paid for separately by arrangement with the care-taker and coal or cinder from the F. O., Kalka, or Shed Clerk, Simla.

3. Ten days will ordinarily be the limit of occupation of a Rest House by an official on leave. On the expiration of 10 days, it may be occupied from day to day if not required by any one else subject to vacation at 12 hours notice. An officer who is not on duty, cannot ordinarily take the Rest House twice in the season.

4. The day of arrival will be charged for but not the day of departure provided the Rest House is vacated before midday.

5. As complaints have been received of damage done by visitors' dogs to furniture and to the nursery garden at Salogra, visitors are requested to keep them under proper control.

6. Occupants breaking any article of crockery, etc., will be required to pay in cash the cost of the same.

7. The above Rest Houses are in charge of the S. D. O., at Dharampore to whom complaints should be addressed.

8. The above rules do not apply to "Woodbank" at Simla, for which there are separate rules.

WAZIR SINGH,

for Agent, North Western Railway.

NORTH WESTERN RAILWAY.

Agent's Circular No. 2 of 1931.

(To be substituted for the previous Circular, dated 27th July, 1931.)

Rules governing the occupation of "Woodbank" Rest House at Simla.

1. "Woodbank" is reserved for the use of the Agent, but when not required by him, is open to occupation by other officer *above senior scale rank only* in accordance with the following rules.

2. "Woodbank" is divided into 2 suites called A and B, both fully furnished and self-contained.

3. Suite A.—When not required by Agent this suite is reserved for officers visiting Simla on duty. When not required by the Agent or by officers visiting Simla on duty the suite may be occupied by officers on leave who will, however, have to vacate, possibly at short notice if this suite be required by an officer arriving in Simla on duty.

4. Suite B.—Will be available for occupation by officers either on leave or on duty but an officer occupying it on leave under proper authority will not be required to vacate for an officer arriving on duty.

5. The dates between which the Agent desires to occupy "Woodbank" will ordinarily be known well ahead, but in the event of the Agent having to visit Simla unexpectedly and requiring the use of "Woodbank" the occupants may be required to vacate.

6. Applications for a permit to occupy "Woodbank" Rest House should be made to the Deputy Agent, Lahore.

7. The charge is Rs. 2 per suite per day and is payable whether the occupant is on duty or on leave. This charge includes the use of Kitchen utensils, crockery and table linen, water, lighting and sanitation.

8. Bedding is not provided.

9. Fuel can be obtained by arrangement with the caretaker.

10. The day of arrival will be charged for but not the day of departure provided the Rest House is vacated before mid-day.

11. The limit to the period of occupancy will ordinarily be 14 days but may be extended from day to day subject to vacation at 12 hours' notice.

12. Visitors are requested to keep their dogs under proper control.

13. Complaints should be addressed to the Sub-Divisional Officer, Dharampore.

J. MACKINNON,

for Agent.

LAHORE,

Dated the 30th September, 1931.

OFFICERS REST HOUSES AT SIMLA.

†1065. *Dr. N. B. Khare : Will Government please state the revenue received from the maintenance of the Officers Rest Houses at Simla on the North Western Railway ?

OFFICERS REST HOUSES AT SIMLA.

†1066. *Dr. N. B. Khare : Will Government please state the purposes for which the Officers Rest Houses are provided, built and maintained at Simla on the North Western Railway ?

*For answer to this question, see answer to question No. 1064.

OFFICERS REST HOUSES AT SIMLA.

†1067. *Dr. N. B. Khare : Will Government please place on the table a copy of the rules of occupation of the Officers Rest Houses at Simla on the North Western Railway ?

CONDUCTORS EMPLOYED ON STATE RAILWAYS.

1068. *Dr. N. B. Khare : Will Government please state the number of conductors employed by each administration on State Railways together with their scales of pay, and rules for recruitment and advancement and the trains which they conduct ?

Mr. P. R. Rau : The scales of pay for conductors on the four State-managed Railways are given in pamphlets containing the revised scales of pay for non-gazetted staff, copies of which are in the Library of the House. As regards their numbers, rules for recruitment and advancement, I would invite the Honourable Member's attention to the reply to his starred question No. 1797 asked on the floor of the House on the 20th April, 1936. So far as Government are aware, conductor guards are employed on important trains.

Mr. Mohan Lal Saksena : What are the functions of these conductors ?

Mr. P. R. Rau : I should like to have notice of that question.

FUNCTIONS OF THE UNOFFICIAL ADVISERS TO GOVERNMENT IN CONNECTION WITH THE INDO-BRITISH TRADE AGREEMENT.

1069. *Mr. M. Ananthasayanam Ayyangar (on behalf of Mr. S. Satyamurti) : Will the Honourable the Commerce Member be pleased to state :

- (a) what the functions are of the unofficial advisers to Government in connection with the forthcoming Indo-British trade negotiations ;
- (b) whether all the questions outstanding in connection with this matter will be placed before these unofficial advisers ;
- (c) whether the advice tendered by these unofficial advisers will be treated with the same consideration that His Majesty's Government treat advice from non-official advisers ; and
- (d) whether Government will state generally the procedure proposed to be adopted in connection with the negotiations and the part of the unofficial advisers therein ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The function of the unofficial advisers will be to assist the Government of India in conducting the negotiations.

(b) and (c). Yes.

(d) The Honourable Member is referred to my reply to parts (c) to (e) of his starred question No. 764 in the current Session.

†For answer to this question, see answer to question No. 1064.

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LEGISLATIVE ASSEMBLY.

[10TH OCT. 1936.]

Mr. M. Ananthasayanam Ayyangar : If any important matters arise, will these non-official advisers be consulted during the course of these negotiations ?

The Honourable Sir Muhammad Zafrullah Khan : If such matters do arise where consultation with them would be beneficial, they would be consulted.

PASSPORT FOR INDIANS GOING TO PARACHINAR (KURM).

1070. ***Dr. Khan Sahib :** (a) Will Government please state whether the Indians going to Parachinar (Kurm) have to obtain passports ? If so, why ?

(b) Are Government aware that the people of Hungu and Tall, who trade regularly with the people of Parachinar, are put to great inconvenience and sometimes even to loss of property because of this rule ?

(c) Will Government please state what special arrangements they have made to enable the residents of Tall, who have got lands in Parachinar to look after the same ?

(d) If no special arrangements exist, are Government prepared to take steps to provide all the traders of Tall and Hungu with permanent passports and to exempt all persons of Tall and Hungu, who own lands in the agency of Parachinar, from the necessity of possessing passports ?

Sir Aubrey Metcalfe : (a) Passports are not required. Visitors to the Kurram are, however, required to obtain passes from the Political Agent, Kurram.

Parachinar is a small bazar in the Kurram Valley, constructed of wood and with a limited water-supply. The uncontrolled influx of visitors during the summer to this small bazar causes inconvenience to the inhabitants owing to the drain on the water-supply, the danger of fire and shortage of accommodation. In addition, the use of this place as a sanatorium causes grave danger of the spread of tuberculosis ; and the permanent residents of Parachinar require protection against this danger. For these reasons the influx of all visitors has to be controlled in the interests of the inhabitants.

(b) No ; passes are issued to persons having genuine trade interests : in June, July and August, 1936, over 800 passes were issued.

(c) I understand that there are no such people.

(d) Does not arise.

OFFICIAL TRUSTEE OF BENGAL.

1071. ***Babu Kailash Behari Lal :** Will Government be pleased to state :

(a) who is the Official Trustee of Bengal appointed under the Official Trustee Act II of 1913, and for how long he has been holding office ;

(b) whether his jurisdiction extends over the Provinces of Bengal, Bihar, United Provinces and the Punjab ;

(c) if so, who appoints him, whether the Government of India, or any of the Provincial Governments mentioned above ;

(d) the system of paying remuneration to the Official Trustee, whether the remuneration is paid on commission on each of the Trust Estate in the hands of the Official Trustee, or it is a consolidated monthly salary ; if the latter, which province pays it or how it is apportioned ;

(e) how many trust estates in different provinces are at present in the hands of the Official Trustee of Bengal ;

(f) whether the Official Trustee of Bengal Presidency appoints Provincial Agents for different provinces under him ; what are the powers of the latter ;

(g) if the different Provincial Governments of the provinces which are under the jurisdiction of the Official Trustee of Bengal have any hand in the administration of the Trust Estates falling within their provinces ;

(h) if the answer to part (g) be in the affirmative, what powers the Provincial Governments exercise in the matter of appointment of Provincial Agents, or in other matters of administration of Trust Estates ; and

(i) if there is any Provincial Agent for Bihar for the Official Trustee of Bengal ?

The Honourable Sir Henry Craik : (a) Mr. C. Carey Morgan is at present the Official Trustee of Bengal. He was appointed substantive'y to this post with effect from the 6th September, 1931.

(b) The jurisdiction of the Official Trustee, Bengal, now extends over the Provinces of Bengal, Bihar and Orissa but not over the United Provinces and the Punjab.

(c) The Government of Bengal.

(d) The Official Trustee is paid by the Government of Bengal a monthly salary at the rate of Rs. 2,000—100—2,500. I have no information whether any contribution is paid by the Government of Bihar and Orissa to the Government of Bengal on this account.

(e) to (i). I have no information.

SYSTEM OF RAILWAY RAID FOR DETECTING TICKETLESS PASSENGERS ON THE BENGAL AND NORTH WESTERN RAILWAY.

1072. ***Babu Kailash Behari Lal :** Will Government be pleased to state :

(a) If there is any system known as Railway Raid in vogue in Bengal and North Western Railway for detecting ticketless passengers ;

(b) if the answer to part (a) be in the affirmative, what is done under that system of Railway Raid ;

(c) whether they are aware that so long as the so-called Railway Raid lasts, the passengers are subjected to hardships and

the train is also detained beyond the time of its usual stoppage at the station where Railway Raid is carried on ;

(d) whether they are aware that there is a good deal of public grievance against this system of Railway Raid ; and

(e) if there have been complaints to the railway authorities from the public regarding the Railway Raid ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). The system which, on the Bengal and North Western Railway, is known as "Ticket Checking Raids" is nothing more than a surprise check of tickets arranged on trains running during daylight only, by a group of traveling Ticket Examiners working under the supervision of a senior subordinate in charge. Passengers unable to give satisfactory reasons for being without tickets are dealt with under sections 112 and 132 of the Indian Railways Act and are placed before a magistrate whose presence has been arranged previously at a central station within his jurisdiction.

(c) For the effective checking of a train when these checks are undertaken, a detention is sometimes unavoidable. The Agent states that there have been no specific complaints of high-handedness or ill-treatment.

(d) No.

(e) I understand a complaint was received, but it did not contain sufficient particulars to permit of an enquiry being held, and the complainant could not be traced.

Mr. Lalchand Navalrai : May I ask the Honourable Member if this system is in existence on all the State Railways and the Company-managed Railways ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I could not answer that question without notice.

Mr. Mohan Lal Saksena : May I know when was this system introduced ?

The Honourable Sir Muhammad Zafrullah Khan : That, too, I cannot answer without notice.

Mr. Mohan Lal Saksena : Is the Honourable Member aware how many raids were made ?

The Honourable Sir Muhammad Zafrullah Khan : I am not aware.

Mr. M. Ananthasayanam Ayyangar : May I ask if these raids are made in the running trains without causing any inconvenience to the travelling public ?

The Honourable Sir Muhammad Zafrullah Khan : I am aware that checking is carried on in running trains but I am not aware whether checking is carried on by a system like this on other railways.

Prof. N. G. Ranga : Are we to understand that the trains will be detained between one station and another in order to enable these ticket checkers who get into the trains and check the tickets ?

The Honourable Sir Muhammad Zafrullah Khan : I imagine a train would be detained at a station longer than its halt to enable certain

arrriages to be completely checked. That is what I understand. I am afraid I could not give a specific reply without notice.

Babu Kailash Behari Lal : May I ask the Honourable Member what method was applied to trace the complainant who could not be found ?

The Honourable Sir Muhammad Zafrullah Khan : The complaint did not contain enough particulars to enable the authorities to trace him.

Babu Kailash Behari Lal : May I know against whom the complaint was lodged ?

The Honourable Sir Muhammad Zafrullah Khan : The complaint was, I imagine, with regard to some inconvenience suffered by the complainant.

Babu Kailash Behari Lal : Was it directed against any particular person ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I could not say.

Mr. Mohan Lal Saksena : Was the complainant required to furnish more particulars ?

The Honourable Sir Muhammad Zafrullah Khan : If he could not be traced, how could he be required to give further particulars.

POSTAL SIGNALLERS IN THE JALPAIGURI POSTAL DIVISION.

1073. ***Khan Sahib Nawab Siddique Ali Khan :** (a) Is it a fact that Postal signallers were deputed to Jalpaiguri Postal Division from other postal Division of Bengal Circle during the official year 1935-36 and 1936-37 ? If so, how many were deputed in each year, and what amount of travelling allowance was paid in each case ?

(b) Will Government please furnish the following information in respect of Jalpaiguri Postal Division in the Bengal and Assam Circle :

(i) total sanctioned strength of clerical staff, exclusive of leave reserve ;

(ii) total number of clerks, including reserve clerks, with knowledge in signalling ;

(iii) total number of signalling appointments in the combined offices ;

(iv) how many of the signallers were employed in signalling duties and how many in non-signalling duties and how many signallers were available as spare, i.e., not being employed in signalling duties during the year 1935-36 and 1936-37 ?

(v) the number of signallers on regular leave, stating period in 1935-36 and 1936-37 ; and

(vi) special justification in requisitioning additional signallers from other postal divisions, which resulted in expenditure being incurred on account of travelling allowance ?

The Honourable Sir Frank Noyce : (a) Government have no information on the subject but it is quite possible that a short-

age of signallers in the Jalpaiguri Division itself may have led to the deputation of trained men from other Postal Divisions in the Bengal and Assam Circle in the interests of the proper conduct of work. The collection of particulars of their numbers and the expense involved in their movements as well as of the information asked for in part (b) of the Honourable Member's question will involve an undue expenditure of time and labour incommensurate with its value and Government do not therefore propose to call for it.

RESERVE CLERKS IN THE JALPAIGURI POSTAL DIVISION.

1074. *Mr. N. V. Gadgil (on behalf of Pandit Krishna Kant Malaviya) : (a) Is it a fact that there are 38 Reserve clerks—both first and second grade combined—sanctioned for the Jalpaiguri Postal Division in the Bengal and Assam Circle ?

(b) Is it a fact that 15 or 16 Reserve clerks are sanctioned in excess over the 17 per cent. basis for a certain portion of that division being unhealthy ?

(c) Will Government please state regarding Jalpaiguri Postal Division for the years 1931-35, 1935-36 and 1936-37 :

(i) how many of the 38 Reserve clerks were actually required for leave or resultant vacancies ;

(ii) how many were on leave ; and

(iii) how many were available as spare, i.e., were not required to act in any vacancies ?

(d) Will Government please state how the services of the Reserve clerks who were not required to act in any vacancies, were utilised when they were kept as part of sanctioned establishment ?

(e) Do Government propose to transfer a certain percentage of the Reserve clerks of Jalpaiguri Division, who are not actually required for the Jalpaiguri Division, to other Postal Divisions of the Bengal Circle where they may be needed and arrange for acting arrangements at the Jalpaiguri Division by appointment of trained outside candidates, if and when absolutely necessary ? If not, why not ?

The Honourable Sir Frank Noyce : (a) and (c). Government are not in possession of the particulars asked for and do not propose to collect them.

(b) Yes. The exact number is 15.

(d) and (e). Government have no information and do not propose to call for it as the Postmaster General is fully competent to ensure that the leave reserve staff is utilised to the best advantage. A copy of this question and answer will be sent to him for such action as he may consider suitable.

RULES RELATING TO THE CONDITIONS OF SERVICE OF GOVERNMENT SERVANTS.

1075. *Mr. Kuladhar Chaliha : Will Government please state whether it is their practice to apply to the Government servants even such rules relating to the conditions of service of Government servants as are

neither notified in the Gazette of India nor made known to the Government servants concerned ?

The Honourable Sir Henry Craik : The reply is in the negative. Government servants have access to the various rules regulating their conditions of service.

Mr. M. Ananthasayanam Ayyangar : Are these rules published in the Gazette ?

The Honourable Sir Henry Craik : No, Sir.

Mr. M. Ananthasayanam Ayyangar : Then, how are they made available to the Government servants ?

The Honourable Sir Henry Craik : Copies of the rules are circulated to all Departments and to all branches and they are also circulated to all Government servants affected.

Mr. M. Ananthasayanam Ayyangar : Is there any Manual of rules published for the information of the public ?

The Honourable Sir Henry Craik : Not that I am aware of.

LEAVE, PASSES, ETC., OF THE STAFF ON THE BENGAL AND NORTH WESTERN RAILWAY.

1076. *Mr. B. B. Varma : (a) Will the Honourable Member in charge of the Railways be pleased to state :

(i) the percentage of dividends declared by the Bengal and North Western Railway in the year 1934-35 ; and

(ii) the position of the State-managed Railways and other Company-managed Railways in India as regards profit and loss for the same period ?

(b) Is the Honourable Member aware that the Bengal and North Western Railway is managed by a staff which is the most ill-paid and ill-equipped of all the other railways staff in India ?

(c) Is the Honourable Member aware

(i) that on the Bengal and North Western Railway station clerical staff are compelled to work for more than eight hours a day without any extra allowance for the same ;

(ii) that the housing arrangement for the station clerical staff is not adequate—a quarter barely consisting of two rooms hardly sufficient to accommodate two persons with practically no space or yard ;

(iii) that leave rules are not properly observed and considerable difficulty frequently arises in getting leave when required ;

(iv) that there is no provision for casual leave for staff appointed after 1933 ;

(v) that the staff appointed after 1933 are allowed privilege leave for 24 days in a year instead of 30 days, and even those 24 days lapse in the year in which it accrued if, for any reason, it is not availed of by the staff ;

- (vi) that, as a matter of fact, the staff is not made acquainted with the leave rules nor are they supplied with a copy of the same; and
- (vii) that passes are issued to the railway servants restricting only to five persons of the family, including the employee and a railway servant having a bigger family is to travel with tickets purchased from his small pay for members more than five?

The Honourable Sir Muhammad Zafrullah Khan : (a) (i) The dividend including bonus declared by the Bengal and North Western Railway Company for the year ending the 30th September, 1935, is 16 per cent. I would point out, however, that the ordinary (profit sharing) capital of the Company is only £3 millions, whereas the total capital outlay is over £8 millions, the balance being met from preference capital, debentures and reserves.

(ii) I would refer the Honourable Member to page 16 of the report by the Railway Board on Indian Railways for 1934-35, Volume I, a copy of which is in the Library of the House.

(b) Government are informed as follows :

The staff of the Bengal and North Western Railway is neither ill-paid nor ill-equipped.

(c) (i) The Hours of Employment Regulations have not so far been given statutory effect on the Bengal and North Western Railway and as such no extra allowance or overtime is admissible to such staff.

(ii) The housing on this railway is much on a par with that of other railways, and the older types of quarters are gradually being improved where necessary.

(iii) This is not generally the case but difficulty may arise during such occasions as the marriage season or times of widespread sickness.

(iv) and (v). I am collecting information and will lay a reply on the table of the House in due course.

(vi) The leave rules are accessible to all staff.

(vii) Yes, a limit of five is imposed.

Mr. V. V. Giri : Is it not a fact that the employees on the Bengal and North Western Railway are paid lesser wages than the employees of other railways, speaking comparatively?

The Honourable Sir Muhammad Zafrullah Khan : I suppose the Honourable Member is referring to State-managed Railways. Yes, in many cases.

Mr. V. V. Giri : Will the Government make inquiries in this matter and hear the complaints and the grievances of the employees and redress their grievances so far as the wages are concerned?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. V. V. Giri : Why not, Sir?

The Honourable Sir Muhammad Zafrullah Khan : Government have no reason to think that they are paid below the market rate.

Qazi Muhammad Ahmad Kazmi : With regard to part (c) (i), may I ask what are the rules for hours of employment and why have they not been applied in this case?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I do not know the exact rules, but they have not been applied on the Bengal and North Western Railway.

Qazi Muhammad Ahmad Kazmi : Is it in the discretion of a particular Railway to apply those rules?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I could not hear the Honourable Member properly.

Babu Kailash Behari Lal : The Honourable Member said that the employees of the Bengal and North Western Railway are not paid below the market rate. May I know what is the standard of the market rate?

The Honourable Sir Muhammad Zafrullah Khan : I should imagine the standard is that at which people possessing the necessary qualifications are available.

Mr. V. V. Giri : Is this standard imaginary?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Prof. N. G. Ranga : Have Government received any representations from the workers of this Railway to the effect that their wages are too low and, therefore, they should be raised?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. V. V. Giri : Is it a fact that the Government fix the wages of their railway employees on the basis of the law of supply and demand?

The Honourable Sir Muhammad Zafrullah Khan : There are several factors that enter into the question.

Mr. Mohan Lal Saksena : Are Government not responsible for the safety of life and property of the passengers?

Mr. President (The Honourable Sir Abdur Rahim) : How does that question arise?

Mr. Mohan Lal Saksena : It arises out of part (c) (i) of the question. The Honourable Member has said that the Bengal and North Western Railway has not thought it fit to apply this convention of eight hours a day.

The President (The Honourable Sir Abdur Rahim) : It is a question of extra allowance. There is no question of safety involved.

The Honourable Sir Muhammad Zafrullah Khan : The convention has not yet been applied on that railway.

Mr. V. V. Giri : When do they propose to apply it ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I could not say that without looking into the matter.

Mr. Sri Prakasa : With reference to part (c) (iii), may I know what exactly the Honourable Member means by marriage season ? Are not all seasons good for marriage ?

The Honourable Sir Muhammad Zafrullah Khan : I think the Honourable Member can best answer that question, because I understand—my information may be wrong—that amongst certain sections of the population of this country, certain seasons are considered more auspicious for weddings than other seasons.

Mr. Mohan Lal Saksena : May I know who is responsible for the application of this convention to the railways ?

The Honourable Sir Muhammad Zafrullah Khan : I believe Government.

Mr. Mohan Lal Saksena : Why do not the Government of India apply it ?

The Honourable Sir Muhammad Zafrullah Khan : I could not answer that without looking into the matter.

ENQUIRY INTO THE GRIEVANCES OF THE EMPLOYEES OF THE BENGAL AND NORTH WESTERN RAILWAY.

1077. ***Mr. B. B. Varma** : (a) Is the Honourable Member aware that on the Bengal and North Western Railway :

(i) transfers, promotions and punishments of the railway staff are not published in the Railway Weekly Gazette published from the District Offices ;

(ii) Station Masters, goods clerks, booking clerks, etc., in some stations are working for 10 to 15 years continuously in one station without any change or transfer ?

(b) If the answer to part (a) (ii) be in the negative, will Government state for how long the following hands have been working in the stations noted against their names ?

(1) Goods clerk and Assistants
and Goods clerk of .. Darbhanga and Bairagnia ;

(2) Booking clerk .. Samastipur, Raxaul, and Muzaffarpur ; and

(3) Parcel clerk .. Muzaffarpur and Darbhanga.

(c) Is the Honourable Member aware that promotions on Bengal and North Western Railway are not made according to the seniority ? If so, how are the promotions made ?

(d) Will the Honourable Member please lay on the table a comparative statement showing :

the scale of pay of the following staff in the East Indian Railway, Eastern Bengal Railway, Bombay, Baroda and Central India Railway, Bengal and North Western Railway and Bengal Nagpur Railway, respectively :

(1) Assistant Station Masters, (2) booking clerks, (3) Station Masters, (4) goods clerks, (5) train clerks, (6) ticket collectors, (7) signallers, and (8) parcel clerks ?

(e) Is the Honourable Member aware that trains clerks and ticket collectors in the Bengal and North Western Railway are in the same grade of pay as the booking clerks and goods clerks ? Is it a fact that the latter are placed in more responsible positions and are to pass coaching and audit examinations ?

(f) Is the Honourable Member prepared to direct an enquiry into the grievances of the employees of the Bengal and North Western Railway in order to remove the impressions that the management is starving the employees in order to pay a fat dividend to the shareholders ?

The Honourable Sir Muhammad Zafrullah Khan : Government are informed as follows :

(a) (i) Yes.

(ii) Possibly.

(b) Does not arise.

(c) The allegation made is not correct.

(d) I place a statement on the table of the House giving the required information.

(e) The reply to the first part is in the affirmative. As regards the latter part, the Administration does not consider that the booking clerks and goods clerks are required to do more responsible work.

(f) Government do not consider any action is called for.

Comparative statement showing the latest scales of pay of certain categories of subordinates staff in force on the East Indian, Eastern Bengal, Bombay, Baroda and Central India, Bengal and North Western and Bengal Nagpur Railways.

Serial No.	Designation.	East Indian.	Eastern Bengal.	Bombay, Baroda and Central India.	Bengal and North Western.	Bengal Nagpur.	Remarks.
1	Assistant Station Masters.	Ra.	Ra.	Ra.	Ra.	Ra.	
	Ditto ..	230	230	120	240-300	250	
	Ditto ..	200	200	100	170-220	170	
	Ditto ..	180	180	30-4-50-5-80	110-160	100	
	Ditto ..	65-5/2-85	65-5/2-85	30-4-50-5-65	Rs. 100 and under	75	
	Ditto ..	30-3-45/5-60	30-3-45-5-60	30-4-50-5-60		40-4-70	
2	Booking Clerks	140	100-10/2-120	1170	20-24-1/8-36-2-50	100†	*Designated as coaching clerks on the B. B. and C. I. and B. N. Railways.
			65-5/2-85	150	..	75	
		65-5/2-85	30-3-45-5-60	140	..	30-4-60 (Assistant coaching clerks).	
		30-3-45/5-60		120	..	..	
		30-3-45		100	..	..	
				90	..	..	
				30-4-50-5-80	..	..	
				30-4-50-5-75	..	..	
				30-4-50-5-65	..	..	
				30-4-55	..	..	

Serial No.	Designation.	East Indian.	Eastern Bengal.	Bombay, Baroda and Central India.	Bengal and North Western.	Bengal Nagpur.	Remarks.
3	Station Masters	350	350	350	300-400	300	*Station Masters and Assistant Station Masters.
	Ditto ..	300	300	300	240-300	250	
	Ditto ..	280	280	275	170-220*	170	
	Ditto ..	180	200	200	110-160	100	
	Ditto ..	160	100-10/2-120	180	Rs. 100 and under.	75	
	Ditto ..	100-10/2-120	65-5/2-85	160	..	..	
	Ditto ..	65-5/2-85	30-3-45-5-60	140	..	..	
	Ditto ..	30-3-45/5-60	..	..	..	..	
	Ditto ..	100-10/2-120	100-10/2-120	200	20-24-1/8-36-2-50	100	
4	Goods Clerks	65-5/2-85	65-5/2-85	150	..	75	Assis- tant Goods clerks.
	Ditto ..	30-3-45/5-60	30-3-45-5-60	140	..	75	
	Ditto ..	30-3-45	..	120	..	60	
				110	..	..	
				100	..	..	
				30-4-50-5-80	..	..	
				30-4-50-5-75	..	..	
				30-4-50-5-70	..	..	
				30-4-50-5-65	..	..	
				30-4-50-55	..	..	

Serial No.	Designation.	East Indian.	Eastern Bengal.	Bombay, Baroda and Central India.	Bengal and North Western.	Bengal Nagpur.	Remarks.
5	Trains Clerks	30-3-45/5-60	65-5/2-85	90	20-24-1/8-36	30-3-45-5-60*	*Designated as Train Controller on the B. N. Railway.
	Ditto	..	30-3-45/5-60	30-4-50-5-80	2-50	Bar.† 65-5/2-85.	
6	Ticket Collectors	30-3-45/5-60	65-5/2-85	120	20-24-1/8-36	40-4-70	
	Ditto	30-3-45	30-3-45-5-60	100	2-50	..	
7	Signalers	30-3-45/5-60	65-5/2-85	30-4-50-5-60	..	30-3-45	† Designated as Traffic Signalers on the B. B. and C. I. Railway.
		30-3-45	30-3-45-5-60	30-4-50	..	..	
8	Parcel Clerks	30-3-45/5-60	100-10/2-120	30-4-50-5-60	20-24-1/8-36	75	
		30-3-45	65-5/2-85	..	2-50	30-4-60	(Assistant parcel clerks.)
			30-3-45-5-60	..	..	..	
			30-3-40	..	..	..	

Mr. M. Ananthasayanam Ayyangar : Why do not the Government have a uniform rule for all the State Railways regarding transfers and promotions and for keeping the stationmasters at certain stations not beyond a certain period ?

The Honourable Sir Muhammad Zafrullah Khan : The question does not refer to State-managed Railways.

NON-MAINTENANCE OF A SUFFICIENT NUMBER OF *Hamals* ON THE BENGAL AND NORTH WESTERN RAILWAY.

1078. ***Mr. B. B. Varma :** (a) Is the Honourable the Railway Member aware that on the Bengal and North Western Railway there is no proper arrangement for maintaining a sufficient number of *hamals* (*khalasas*) according to the importance of stations, with the result that at most stations the consignor or the consignee has to make his own arrangement and also at his own cost for the loading or unloading of his goods, though charges for the same are included in the freight ?

(b) Will the Honourable Member please state the number of *hamals* maintained at the following stations :

- (1) Laheriasarai, (2) Sitamarhi, (3) Bairagnia, (4) Narkatiaganj, (5) Motihari, (6) Bettiah, (7) Bhagwanpur, (8) Dalsinghsarai, (9) Pusa Road, (10) Nirmali, (11) Bhaptiahi, (12) Jainagar and (13) Roserah Ghat on the Bengal and North Western Railway ?

(c) Is the Honourable Member aware that :

- (i) poor *hamals* are compelled to work day and night on a salary of Rs. 8 only per month ; and
(ii) that there is no separate batch of *hamals* for day and night working ?

The Honourable Sir Muhammad Zafrullah Khan : Government are informed as follows :

- (a) *Hamals* are provided at stations as required.
(b) I place a statement on the table of the House giving the required information.
(c) (i) *Hamals* are not required to work day and night. Their pay varies between Rs. 8 and Rs. 9 a month which is not below the market rate.
(ii) There is no work to be done by *Hamals* at night.

Statement showing the number of *Hamals* regularly employed at certain stations on the Bengal and North Western Railway.

Pusa Road	..	..	..	..	} 3 <i>Hamals</i> each.
Rusera Ghat	..	..	..	..	
Laheria Sarai	..	..	..	..	} 4 <i>Hamals</i> each.
Sitamarhi	..	..	..	..	
Narkatiaganj	..	..	..	..	
Motihari	..	..	..	..	
Bhagwanpur	..	..	..	..	} 5 <i>Hamals</i> each.
Bairagnia	..	..	..	..	
Dalsing Sarai	..	..	..	..	
Bhaptiahi	..	..	..	..	} 6 <i>Hamals</i> .
Bettiah	..	..	..	..	
Nirmali	..	..	..	..	} 7 <i>Hamals</i> each.
Jaynagar	..	..	..	..	

APPOINTMENT OF ASSISTANT SECRETARY IN THE PUBLIC SERVICE COMMISSION.

1079. *Mr. Lalchand Navalrai (on behalf of Bhai Parma Nand) : (a) Is it a fact that Government invited applications through Local Governments for the post of Assistant Secretary, Public Service Commission ?

(b) Did Government prescribe the following qualifications :

(i) candidate should have experience in conducting examinations, setting of question papers and examination of papers ; and

(ii) he should be preferably a member of a Provincial Education Service ?

(c) Is it a fact that no one recommended by the Local Government was appointed to the post and that an Assistant in the Education, Health and Lands Department was appointed to this post ?

(d) Will Government please state whether the person so appointed possessed the requisite qualifications prescribed by them for candidates whose applications were invited through the Local Governments ?

(e) Is it a fact that the post was not advertised in the Government of India Secretariat, and no applications were entertained from Secretariat staff ?

(f) If the answer to part (e) be in the affirmative, will Government please state why they selected a candidate from the Secretariat without giving a chance to other Secretariat people to apply, who might have been equally qualified ?

The Honourable Sir Henry Craik : (a) to (f). Local Governments and the Education Department of the Government of India were invited to recommend suitable candidates. It was not expected that men with the requisite knowledge of educational matters would be available in the Secretariat, except in the Department of Education, Health and Lands. No applications were invited, either through Local Governments or otherwise. The most suitable candidate available from among those recommended was the officer holding the post of Secretary to the Central Advisory Committee on Education. This candidate possessed the qualifications required, which were not precisely those stated by the Honourable Member.

Mr. Lalchand Navalrai : May I know if the selection was made by the Public Service Commission or by the Government ?

The Honourable Sir Henry Craik : The Public Service Commission.

ORDERS ISSUED BY THE RAILWAY BOARD FOR CARRYING OUT RETRENCHMENT ON THE NORTH WESTERN RAILWAY.

1080. *Mr. Lalchand Navalrai (on behalf of Bhai Parma Nand) (a) Will Government be pleased to state if (i) the staff appointed against purely temporary or officiating posts, or as substitutes, and (ii) those who have not yet been confirmed in their appointments, are being amalgamated by the North Western Railway Administration for purposes of effecting the impending retrenchment ?

(b) Is it a fact that the orders issued by the Railway Board recently for carrying out retrenchment on the basis of comparative efficiency are intended to apply only to the disposal of permanent staff rendered surplus as a result of the economy campaign ?

(c) If so, are Government prepared to direct the North Western Railway Administration not to bring the temporary or unconfirmed staff under the operation of these rules ?

(d) Do Government propose to take steps to utilize the permanent surplus staff against these temporary posts ?

The Honourable Sir Muhammad Zafrullah Khan : Government are informed as follows :

(a) No.

(b) Yes.

(c) Temporary staff are employed in temporary posts and are usually engaged for specific periods on conclusion of which the temporary posts are abolished and the temporary staff discharged. Staff appointed on probation against permanent vacancies who have not yet been confirmed would be dealt with in the same way as permanent staff.

(d) No.

Mr. Lalchand Navalrai : With reference to part (a) is it that the persons who have been officiating but who have not yet been confirmed will not be retrenched ?

The Honourable Sir Muhammad Zafrullah Khan : They will be treated on the same basis as permanent staff. I cannot give any undertaking that this particular category will not be retrenched.

Qazi Muhammad Ahmad Kazmi : Do Government consider the cases of the surplus staff differently in the different departments or consider the matter as a whole ?

The Honourable Sir Muhammad Zafrullah Khan : I believe there is a question to that effect later on.

MAINTENANCE OF WAITING LISTS OF THE RETRENCHED STAFF OF THE RAILWAYS.

1081. *Mr. Lalchand Navalrai (on behalf of Bhai Parma Nand) : (a) Is it a fact that the Railway Board have issued orders that no waiting lists of the retrenched staff should be kept ?

(b) Is it a fact that waiting lists were kept when retrenchment was carried out in 1932 and the staff retrenched was reappointed as vacancies occurred ? If so, what is the reason for the change in policy ?

(c) Do Government propose to keep waiting lists of such staff, if brought under reduction, and reappoint them on the occurrence of vacancies ? If not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) and (c). The reply to the first part of (b) is in the affirmative. As regards the latter part of (b) and (c), Government do not consider it necessary to place on waiting lists names of surplus staff discharged on the basis of comparative efficiency.

Mr. Lalchand Navalrai : Will the Government say how then do they propose to re-employ them if there are no waiting lists ?

The Honourable Sir Muhammad Zafrullah Khan : They do not propose to re-employ such staff as a matter of course.

Qazi Muhammad Ahmad Kazmi : Have Government considered the advisability of allowing the retrenched staff to apply for the new posts and do Government propose to consider their applications preferably and exempt them from age limit for holding these posts ?

The Honourable Sir Muhammad Zafrullah Khan : There is no bar to their applying for re-employment provided they fulfill the conditions under which further employment will take place. I am afraid they could not be given preference as they would have been retrenched on the ground that they were comparatively less efficient, than the people required to perform these duties.

Qazi Muhammad Ahmad Kazmi : So far as the new applications are concerned, there will be one difficulty about the retrenched staff, namely that they will not come within the prescribed age limit and in view of the fact that they have been serving the railway department from a long time past they may be exempted from the age limit, and their applications considered along with the applications of the new applicants.

The Honourable Sir Muhammad Zafrullah Khan : I am afraid that could not be done. Supposing in a particular category it was decided to re-employ more people and it was thought that the age limit would not matter, in such cases they would be on a par with other people.

Mr. Mohan Lal Saksena : What are the reasons that impelled the Government to abolish the maintenance of this waiting list ?

The Honourable Sir Muhammad Zafrullah Khan : I have given the reasons.

SPLIT OF THE CLERICAL STAFF INTO SEVERAL UNITS ON THE NORTH WESTERN RAILWAY.

1082. ***Mr. Lalchand Navalrai** (on behalf of Bhai Parma Nand) : (a) Is it a fact that the North Western Railway Administration have split up the clerical staff into several units, e.g., Divisional Office clerks, Station Masters' office clerks, Engineering Subordinates' office clerks, etc., and that retrenchment will be confined to each respective unit ?

(b) Is it a fact that the proportion of retrenchment in these units varies considerably and even, in some units, no retrenchment is to be effected at all ?

(c) Is it a fact that in some units new appointments are being made, or purely temporary employees exist, while in others permanent employees have become surplus ?

(d) Are Government prepared to amalgamate these units into one with a view to meting out equitable treatment to the staff ? If not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Divisional Office Clerks, Station Masters' Office Clerks, Engineering Subordinates,

Office Clerks, etc., etc., were borne on a separate seniority list for promotion prior to the introduction of the Divisional Organisation on the North Western Railway and this procedure has been continued and surpluses in any of these categories, therefore, are being dealt with on the basis of comparative efficiency within their respective groups.

(b) Retrenchment will take place only in those units in which there is a surplus.

(c) New appointments are only made when a suitable surplus (or retrenched) hand is not available. Purely temporary employees are employed in temporary posts of short duration and are usually engaged for specific periods on the conclusion of which they are discharged.

(d) No, for the reasons given in my reply to parts (a) and (c).

Qazi Muhammad Ahmad Kazmi : With the introduction of this divisional scheme, will it not be proper for the Government to treat the cases of all this staff as one unit instead of treating them separately ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Qazi Muhammad Ahmad Kazmi : Was there not on the North Western Railway a Labour Exchange Bureau to which all the applications of the surplus staff were sent and the surplus staff was absorbed in different sections of the railway when vacancies occurred ?

The Honourable Sir Muhammad Zafrullah Khan : I believe so.

Qazi Muhammad Ahmad Kazmi : Is it now existing ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot say ; but with regard to the staff that is being retrenched on the basis of comparative efficiency that question would not arise.

APPOINTMENTS FOR TRAINING IN THE COMMERCIAL AND TRANSPORTATION GROUPS ON THE NORTH WESTERN RAILWAY.

1083. ***Mr. Lalchand Navalrai** (on behalf of Bhai Parma Nand) : (a) Is it a fact that new appointments are being made in subordinate service for training in the Commercial and Transportation groups on the North Western Railway ?

(b) Is it a fact that there are a number of youngmen on the surplus list who possess the requisite qualification for being recruited to this service, except for the age limit ?

(c) Are Government prepared to raise the age limit in the case of these employees to 30 years to save their discharge ? If not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : Government have no information. The matters referred to are within the competence of the Agent, North Western Railway, to whom a copy of the question has been sent for information and such action as he may consider necessary.

Mr. Lalchand Navalrai : Is there any rule of the Railway Board to guide the Agents in order to employ those surplus men before new men are appointed ?

The Honourable Sir Muhammad Zafrullah Khan : To that I have replied in the previous question. If there are surplus men available no new men are employed.

Mr. Mohan Lal Saksena : The question was 'Is it a fact, etc.'. Why did not the Honourable Member get the information from the railway concerned?

The Honourable Sir Muhammad Zafrullah Khan : For the reason that I have read out in the reply.

PURCHASE OF CASH CERTIFICATES BY THE SUPERINTENDENT OF POST OFFICES OF JALPAIGURI DIVISION.

1084. ***Pandit Sri Krishna Dutta Paliwal** (on behalf of Mr. Suryya Kumar Som) : (a) Is it a fact that a departmental order was issued in June, 1936, to all Head Postmasters and Superintendents of Post Offices prior to 1st July, 1936—the date of introduction of the current issue of Post Office Five Years' Cash Certificates—embodying instructions, on grounds of policy, for observing the secrecy of the matter and its issue prior to 1st July, 1936?

(b) Will Government please state after enquiry :

- (i) the date of receipt by the Superintendent of Post Offices of Jalpaiguri Division of the departmental order of June, 1936, regarding cash certificates ;
- (ii) the date of purchase by him of older issues, i.e., issues of dates earlier than 1st July, 1936, after receipt of departmental order of June, 1936 ;
- (iii) whether there was any previous occasion on which the present Superintendent of Post Offices, Jalpaiguri Division, ever purchased cash certificates in the last week of any month ; and
- (iv) whether money was taken by the Superintendent of Post Offices, Jalpaiguri Division, from the Treasury of the Jalpaiguri Head Post Office (which is under his administrative control) for purchase of the cash certificates and the money was repaid on the 1st July, 1936 ?

The Honourable Sir Frank Noyce : (a) Yes, but I may add for the information of the Honourable Member that the departmental order referred to issued in June, 1936, did not indicate the prices of the cash certificates of the new issue.

(b) (i) 16th June, 1936.

(ii) 30th June, 1936.

(iii) Government have no information.

(iv) No.

Pandit Lakshmi Kanta Maitra : With regard to (b) (iv), may I know if the Honourable Member caused an inquiry to be held as to whether this Superintendent of Post Offices, Jalpaiguri Division actually took money from the postal treasury and utilised it for the purpose of purchasing cash certificates ?

The Honourable Sir Frank Noyce : Yes, Sir ; my answer is based on the results of the inquiry which was made.

Pandit Lakshmi Kanta Maitra : Is it not a fact that prior to the 1st July, 1936, when the new order of cash certificates was to come into existence, this Postal Superintendent, having previous knowledge of the increased value of the postal certificates that would come into force on the 1st July, caused purchases to be made on his behalf and on behalf of his friends ?

The Honourable Sir Frank Noyce : I would refer my Honourable friend to my reply to part (a) of the question. There was undoubtedly knowledge that there was to be a new issue of cash certificates but the Postal Superintendent had no indication as to what the price of those certificates would be.

Pandit Lakshmi Kanta Maitra : I hope my Honourable friend understands the point of my question. I am anxious for the secrecy of these Government circulars and the purity of his branch of the public utility service. From that point of view I am asking whether it is not a fact that this Postal Superintendent actually bought cash certificates to the extent of Rs. 2,000 on his own behalf and Rs. 2,000 for his friends as against only Rs. 2,000 in the previous month and only Rs. 500 in the previous month ?

Mr. G. V. Bewoor : The information of the Honourable Member is incorrect. It is a fact that the cash certificates were purchased on the 30th June, but it was only for Rs. 500 and the Superintendent withdrew money from his own private Savings Bank account in order to purchase these cash certificates.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member ought not to ask such questions unless he is properly informed.

Pandit Lakshmi Kanta Maitra : I am trying to get information.

USE OF RED OXIDE PAINT FOR PAINTING OF RAILWAYS UNDERFRAMES, WHEELS, ETC.

1085. ***Mr. Sri Prakasa :** (a) Is it a fact that Red Oxide Paint was never used on any railways in India for the painting of underframes, wheels, boards and inside walls of wagons ?

(b) Is it a fact that even when the outside walls of any wagons were painted with Red Oxide, the underframes, wheels, boards and inside walls were invariably painted with black ?

(c) If so, why ?

(d) Is it a fact that black paint had been used for such wagon parts for years past, and that the North Western Railway painted the underframes of a rake of the *Frontier Mail* with "Muraco Black" in 1930 and after a couple of years of rigid test found the paint satisfactory ?

(e) Has there been any change in this connection recently ? If so, what were the exact circumstances in which the change took place ?

The Honourable Sir Muhammad Zafrullah Khan : Sir, before I read out the reply to this question I may point out that a large number of questions have been put on this matter during the last Session and the current Session, and I assume therefore that Honourable Members

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LEGISLATIVE ASSEMBLY.

[10TH OCT. 1936.]

On the 9th November, 1935, information was received from the Government Test House regarding the specific gravity of red oxide ready mixed paint, which made it possible to compare the rates quoted against the tender No. M-6470 for ready mixed black paint and ready mixed red oxide paint manufactured from (a) Persian Gulf red oxide and (b) indigenous red oxide. It was found that whereas the lowest price quoted for ready mixed black paint was Rs. 2-4-0 per gallon, the prices quoted in the same tender for ready mixed red oxide paint (quoted in the tender on a cwt. basis) worked out at Rs. 2-3-2 per gallon for Persian Gulf red oxide, and Rs. 2-1-7 per gallon for indigenous red oxide. This information was communicated to the officers who attended the conference on the 8th November.

As was probable that lower prices would be quoted for the very large quantities required of red oxide paints consequent upon a possible change over from black to red, fresh tenders were therefore called for red oxide paint, stiff and ready mixed, (a) Persian Gulf oxide, (b) artificial, and (c) indigenous oxide.

On the 27th of November, 1935, Chief Controller, Standardization, Railway Board, Chief Controller, Indian Stores Department, Chief Chemist, Government Test House, Alipore, and Deputy Chief Controller Standardization, Railway Board, inspected the condition of paints on broad gauge wagons in Ghaziabad Station yard, and various types belonging to different railways were examined. These were of different ages and periods in traffic between workshop overhauls and painting. After inspection, these officers were of unanimous opinion that wagons painted with red oxide (i.e., the North Western Railway and Bombay, Baroda and Central India Railway goods stock) appeared mostly to be in a better condition than those painted black (East Indian, Eastern Bengal Great Indian Peninsula, Madras and Southern Mahratta Railways, etc.). Further red oxide appeared to offer a better protection against corrosion particularly when applied over dirt and rust.

On the 2nd of December, 1935, Director, Industrial Research Bureau, Chief Chemist, Government Test House, Alipore, and Deputy Chief Controller, Railway Board, inspected the exterior paint on goods wagons at Delhi Main station. It was agreed that under service conditions, the red oxide painted wagons appeared generally to be in a better condition than those painted black. Wide variations in the appearance and conditions of the paint (both red oxide and black) on wagons were very noticeable. Even making due allowances for the ages of vehicles, the difference in the condition of wagons painted at the same time with either red oxide or black paint was very marked. Red oxide when applied over old rust or dirt or unevenness in the old paint, appeared to provide a more durable covering than black paints. It also appeared to be a more efficient rust protective coat in that it did not appear to flake or crack as readily or to the same extent as black paints.

During this period the painted steel panels undergoing exposure tests in the Government Test House, Alipore, were inspected and studies and arrangements were made for further test panels to be painted with black paints manufactured by Messrs. Jenson and Nicholson, Goodla Wall and Company and the Muraka Paint and Varnish Company together with red paints of indigenous oxide, artificial oxide and gulf red, also

with magnetic oxide paints, dark graphite grey, etc., 15 such experimental panels are now exposed at New Delhi and are inspected and reported on periodically. An equal number of panels painted with the same paints at the same time and by the same labour are being exposed at the Government Test House, Alipore.

Another meeting to discuss the railway paint contracts for the year 1936-37 was held in New Delhi on the 5th December, 1935, and attended by the representatives of the Railway Board, the Indian Stores Department and the Chief Mechanical Engineers of the four State-managed railways. The first question discussed was the relative merits of red oxide and black paints for wagon painting. The reports on these paints which had been received from the Government Test House were examined. In addition the result of many years' experience of red oxide painting on the North-Western Railway and Bombay, Baroda and Central India Railway was considered. After considering all the available evidence, the meeting unanimously decided that a trial should be made of repainting wagons with red oxide paint instead of the black formerly in use on several railways. A comparison of prices showed that this would result in considerable economies and the technical evidence available suggested that results were likely to be better. The question of which of the various red oxide paints offered against the Indian Stores Department tenders should be accepted, was then considered. The subject of buying ready mixed or stiff paints was first examined and it was decided that it would be preferable to buy the stiff paint, since the composition of the mixed paint made in railway workshops will be under closer control as regards the quality of the vehicle materials used.

The next point considered was whether paint should be reduced or genuine, since it was thought that reduced paint with its considerable content of barytes might show a tendency to settle in the spraying apparatus. The railway members explained, however, that no difficulty of this sort had been experienced and it was decided to adhere, for the present, to the existing practice of using reduced paints.

Discussion then centred around the relative merits of the oxides from Persian Gulf, Katni area and the Tatanagar Chemical Company. The Katni oxide is considerably cheaper than the other two but of inferior colour and possesses a reputation for giving trouble by an unevenness of colour owing apparently to flotation of the pigment. A doubt was also expressed whether sufficient was known of this oxide to ensure that it would make a suitable spraying paint. In the case of the Tatanagar oxide which is synthetic material, no difficulty in spraying was apprehended but at the same time it was pointed out that the material was new. It was decided that trial lots of 5 cwts. each should be sent to the four State Railways and the paints chosen for this trial were those made from Katni oxide and Synthetic oxide, as tendered for by the Shalimar Paint Colour and Varnish Company and Jenson and Nicholson Limited against the call for tenders.

Meanwhile, results of 51 different laboratory spraying tests on red oxide conducted at the Government Test House, Alipore, became available and these were somewhat alarming as most of the paints showed a distinct tendency to streak. This characteristic was confirmed by Deputy Chief Controller of Standardization in witnessing practical wagon spraying tests at Moghalpura on the 4th and 5th of February 1936 and it

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attach a great deal of importance to this matter. I have prepared a full reply to which I hope Honourable Members will listen carefully in case they want information over again in supplementary questions.

Mr. President (The Honourable Sir Abdur Rahim) : If the reply is very long, it should be laid on the table.

The Honourable Sir Muhammad Zafrullah Khan : It is eleven pages, Sir.

Mr. President (The Honourable Sir Abdur Rahim) : Then the Honourable Member should lay it on the table.

The Honourable Sir Muhammad Zafrullah Khan : Very well, Sir. (The reply was laid on the table).

(a) and (b). Red oxide paint has been used occasionally for the interior, floor and sides of wagons. Common practice is for underframes and wheels to be painted black.

(c) Prior to the recent investigations into the question of wagon paints, black paint was considered suitable for underframes, wheels and inside walls.

(d) The answer to the first part is in the affirmative.

With regard to the second part, Muraca Glossy Black was applied to the portion of the underframe of one vehicle on the Frontier Mail by the North Western Railway in 1930. After 11 months it was found that this paint was no better than that then in use.

(e) Yes. It has been decided to adopt red oxide paint for Eastern Bengal Railway, East Indian Railway and Great Indian Peninsula Railway wagons.

The Railway Board in their search for economies asked the Mechanical Section, Indian Railway Conference Association in 1933, to investigate and report on the subject of paints for goods wagons. A questionnaire was issued to all railways and at the 1934 meeting of the Mechanical Section Indian Railway Conference Association a sub-committee was appointed to go into the subject. This sub-committee reported fully to the Mechanical Section at the February, 1935, meeting and the Section unanimously reported as follows :

(i) The really important point is the preparation of the surface before paint is applied and if sand blasting is not adopted, it is necessary that the parts should be thoroughly cleaned and coated with a rust solvent or red lead.

The first coating of paint on steel or iron of new or repaired wagons should be applied by hand, as better results are thus obtained and a more even film formed, giving less chance to trap air or water bubbles under the paint.

Comprehensive tests on wagon paints are now being carried out by the Government Test House, Alipore, and on the basis of these exposure tests, it may be possible to lay down analysis for wagon paint for general use in India.

(iii) It is considered that paints manufactured in India can be obtained at a reasonable cost to fulfil the condition of giving adequate protection in average conditions.

(iv) It is recommended that during periodical repairs cleaning of surfaces in preparation for re-painting can best be done by using scrapers and wire brushes and that, if no corrosion is evident under the existing paint, it is not necessary to remove this paint but merely to brush to a smooth and clean surface before applying paint.

(v) A separate paint for underframes is not recommended as the development of painting will be towards spray painting and to have a separate paint for underframes would be a disadvantage from this point of view.

(vi) The cost of painting on different railways and the number of coats applied and the time taken, differ so greatly that it is not considered that it would be of value to give a cost figure for either paint or labour in painting a standard wagon, especially as labour rates and material rates differ so greatly throughout India.

On the re-organisation of the Central Standards Office on the 1st April, 1935, the subject of paints for wagons became one of several items for research undertaken by that office. The comparative results of painted panel exposure tests undertaken at the Government Test House, Alipore, were studied with the result that large scale trials with graphite grey paints on new wagons have been undertaken. The correct methods to adopt in the preparation of wagons during workshop overhauls, prior to the application of and the quality of paint were investigated and in June, 1935, railways were addressed on the subject. Their replies were duly studied and practices for cleaning were approved. A little later the subject was put forward for consideration at the first session of the Advisory Council meeting of Industrial Intelligence and Research Bureau and it was decided to undertake an investigation into the properties of different paint formulæ in connection with the protection of steel and other painting purposes.

On the 8th of November, 1935, Chief Controller, Indian Stores Department took the opportunity of Chief Mechanical Engineers of railways being present in Delhi of calling a joint meeting with the Indian Stores Department, Railway Board and Railway Chief Mechanical Engineers to discuss the quotations received by the Indian Stores Department for railways' requirements of wagon paints for 1936-37. During the general discussion at that meeting, railways' representatives expressed the unanimous opinion that a change on the Eastern Bengal, East Indian and Great Indian Peninsula Railways from black wagon paints to red oxides, should be made, provided no appreciable additional expenditure was involved in the measure.

The Chief Controller of Stores proposed that for the future, tenders against the annual requirements of paints, enamels and varnishes required by the State Railway Administrations should be considered at an annual conference to which railways would depute representatives. For some years past tenders received for the annual requirements of lubricating oils have been dealt with in this manner to the advantage of all concerned, and it was agreed that there was at least equal justification for dealing with tenders for paints, enamels and varnishes in the same way. It was arranged that the first conference to consider these tenders would meet in the Chief Controller of Stores' Office on the 5th December, 1935.

became clearly evident that indigenous red oxides could not be sprayed properly (without streaking, curtaining or festooning) without the addition of a "binder" in the form of varnish or gold size to the pigment in addition to the usual thinners, boiled oil and white spirit. These conclusions were further confirmed by Deputy Chief Controller, Standardization and the Government Test House authorities in Calcutta on the 24th and 25th February, 1936.

It then became evident that much further research and experiment would be necessary before the most economical mixtures for stiff red oxide paint could be determined, particularly as it appeared that the formulae used by the North-Western and Bombay, Baroda and Central India Railways were unnecessarily expensive. This fact precluded the safe purchase of stiff red oxides for the East Indian, Eastern Bengal and Great Indian Peninsula Railways in 1936-37, and in the limited time available, it became essential to decide what ready mixed oxide paints were to be purchased for railways' requirements during the current year.

To enable this to be done, further practical spraying tests were arranged to be carried out at Lillooah (East Indian Railway) on the following ready mixed Katni and artificial oxides:

- (a) Jenson and Nicholson's reduced ordinary.
- (b) Jenson and Nicholson's superfine. Mixed special. Finely ground.
- (c) Jenson and Nicholson's superfine Mixed Glossy.
- (d) Shalimar Paint Company's reduced ordinary.
- (e) Shalimar Paint Company's superior.
- (f) Napier Paint Works.
- (g) Muraka Paint Works, (Katni and artificial red oxide),

these being all the Katni and artificial oxides tendered at not more than Rs. 2-4-0 per gallon against the Indian Stores Department call. The firms were instructed to supply to the Deputy Chief Mechanical Engineer, East Indian Railway, Lillooah 15 gallons each of the afore-mentioned paints, of the quality tendered for by them against the Indian Stores Department call for tenders.

On the 6th April, 1936, 15 wagons were sprayed in the Lillooah Carriage and Wagon workshops with samples of the following readymixed red oxide paints:

- (a) Napiers red oxide paint. Indigenous. Shade unspecified. Indian Stores Department Specification No. G.P.-173.
- (b) Napiers red oxide paint. Artificial oxide. B.S. colour No. 73 Indian Stores Department Specification No. G.P.-173.
- (c) Shalimar red oxide paint mixed. Superior grade. Artificial oxide to B.S.S. No. 73.
- (d) Shalimar red oxide paint mixed. Superior grade. Indigenous oxide. Shade unspecified.
- (e) Shalimar red oxide paint mixed. Artificial oxide to B.S.S. No. 73.

- (f) Shalimar red oxide paint mixed. Indigenous oxide. Shade unspecified.
- (g) Jensons superfine. F.M.O. (Katni) red oxide glossy.
- (h) Jensons superfine. Synthetic red oxide glossy.
- (i) Jensons Synthetic red oxide.
- (j) Jensons superfine Katni red oxide. Specially finely ground.
- (k) Jensons superfine. Synthetic red oxide. Specially finely ground.
- (l) Jensons F.M.O. Katni red oxide.
- (m) Muraka red oxide paint of indigenous oxide. Shade unspecified Readymixed vide sample No. P. 3842.
- (n) Muraka red oxide paint of artificial oxide to B.S.S. No. 73. Readymixed vide sample No. 3844.
- (o) Muraka red oxide paint of indigenous oxide. Shade unspecified. Readymixed vide sample No. 3846.

There were no signs of sedimentation in drums and all paints sprayed satisfactorily and adhered to wagon sides and ends without appreciable streaking or loss due to curtaining, festooning, etc.

These practical tests were undertaken under the supervision of the Deputy Chief Controller, Railway Board. From the evidence available from these trials the following conclusions were arrived at:

- (a) All the readymixed red oxides appear to give a better protective coat than the proprietary black paints now being used by the East Indian Railway.
- (b) It is not possible to arrange the paints in an order of merit or priority but the spraying and adhesive qualities of the "ordinary" indigenous and artificial paints appeared to be good (with the exception of Napiers indigenous) and not inferior to the others tested.
- (c) Accordingly, there does not seem to be any justification at present, for purchasing the more expensive 'superfine' and 'superior' qualities offered.
- (d) With the exception of Napiers indigenous (which was not dry after 25 hours) drying times of the remainder seem satisfactory in that all were sufficiently dry for stencilling within 16 hours.

The following were exceptionally quick in drying:

- Jensons synthetic (ordinary) was dry in 4 hours.
- Shalimars indigenous (ordinary) was dry in 5 hours.
- Shalimars superior (indigenous) was dry in 5½ hours.
- Shalimars artificial (ordinary) was dry in 7 hours.
- Jensons superior Katni and synthetic was dust proof in 4½ hours.
- Jensons Katni (ordinary and superior) was tacky in 3¾ hours.

It was therefore recommended that the balance of the 1936-37 paint requirements for the Great Indian Peninsula, East Indian and Eastern

Bengal Railways should be placed on the basis of prices and the following readymixed paints purchased. This was accepted :

- 40 per cent. Jenson's Katni ordinary at Rs. 1-10-0 per gallon.
- 40 per cent. Shalimars indigenous ordinary at Rs. 1-10-0 per gallon.
- 10 per cent. Jenson's artificial ordinary at Rs. 1-13-0 per gallon.
- 10 per cent. Shalimar artificial ordinary at Rs. 1-13-0 per gallon.

The Chief Chemist of the Government Test House was also present during the conduct of the experiments at Lillooah and one of the five-gallon sample drums of each tested readymixed oxide was delivered to the Government Test House on the morning of the 8th of April, 1936, to act as a future standard sample.

The procedure adopted and the reasons therefor, have been described in detail with the purpose of demonstrating that Government's actions have been guided and determined solely by economics and considerations of savings in railway revenue expenditure. There is abundant evidence that red oxides as protective covering costs are superior to black paints and the recent action should strictly be regarded as a large-scale experiment in the practical use of red oxides *v.* black paints.

Every step leading to the change-over has been taken cautiously after careful and continued thought with primary regard to railways' interests and efficiency, and without influence from interested parties, other vested interests, racial or communal considerations.

NON-SUPPLY OF ACCURATE FORECASTS OF QUANTITIES BY THE RAILWAY BOARD *re* PURCHASE OF PAINTS AND VARNISHES.

1086. *Mr. Sri Prakasa : (a) Is it a part of the duty of various Departments of Government to furnish the Indian Stores Department with accurate forecasts of quantities of various materials likely to be required during the year ? If so, are Government satisfied that their Departments perform this duty properly ?

(b) Is it a fact that the Indian Stores Department regards as one of its main functions, the co-ordination of the indents from various Government Departments to enable bulk purchases to be made on running contracts in the interest of economy ?

(c) Is it a fact that so far as the purchase of paints and varnishes by the Railway Department is concerned, this system has not been followed, resulting in the purchase of the same articles from different markets and different manufacturers during the financial year and thereby greatly increasing the work of the Indian Stores Department ? If so, are Government prepared to enquire into the matter and follow a settled policy ?

The Honourable Sir Frank Noyce : (a) The various Departments are expected to send approximate estimates of their requirements of consumable stores regularly in demand to the Indian Stores Department. This is being done wherever possible.

(b) The co-ordination of demands, as far as possible, is one of the functions of the Indian Stores Department.

(c) The system is also followed in the case of paints and varnishes purchased for the Railway Department.

Mr. M. Ananthasayanam Ayyangar : Is it not the rule that indents for the whole year are ordinarily sent for ?

The Honourable Sir Frank Noyce : It is the rule that indents for the whole year should be placed as far as possible, but my Honourable friend will realise that casual demands must come in from time to time which have to be dealt with, especially in the case of a large administration such as the Railway Department.

Mr. M. Ananthasayanam Ayyangar : Is the Honourable Member aware that with respect to Morocco black and paint, immediately.....

The Honourable Sir Frank Noyce : Sir, I submit that does not arise out of the present question. My Honourable friend is asking about the details of particular contracts.

TENDERS FOR CONTRACT OF MOTOR MAIL SERVICE IN THE DOOARS.

1087. *Mr. Amarendra Nath Chattopadhyaya : (a) Will Government please state the policy and the procedure of the postal department for inviting tenders from the public for contract with the postal department ?

(b) Is it a fact that the notification announcing the last date for submission of tenders is made through local papers and Tender Forms are supplied by the postal department to the intending parties on payment of an amount fixed by the postal department ?

(c) Will Government please state whether, in the official year 1935-36, a notification was made through the local paper by the Superintendent of Post Offices, Jalpaiguri Division, inviting tenders for contract of Motor Mail Service in the Dooars and a date was fixed in that notification for submission of tenders within an hour and date specifically fixed for that purpose ?

(d) Is it not a fact that a party was allowed to submit its tenders after the expiry of the date fixed ? If so, who is responsible for this and what steps do Government propose to take in the matter ?

The Honourable Sir Frank Noyce : (a) and (b). Ordinarily the Department calls for open tenders for important contracts by advertisements in the press and for minor contracts by the circulation and exhibition of local notices by and at post offices. Tender forms are supplied to applicants on payment.

(c) and (d). Government have no information ; the matter is one with which the Postmaster-General, Bengal and Assam, is fully competent to deal. A copy of the question is being sent to that officer for such action as he may consider suitable.

Mr. Mohan Lal Saksena : With reference to (d), may I know if this House is not entitled to get information with regard to the action taken by the Postmaster General concerned ?

The Honourable Sir Frank Noyce : I think, Sir, the House is entitled to know that the Government of India is taking action on the subject. That action is to send a copy of this question and answer to

the Postmaster General, Bengal and Assam, who is perfectly competent to deal with a detail of local administration.

Mr. Mohan Lal Saksena : It is not a detail of local administration. What this part of the question requires to know is whether any party was allowed to tender after the expiry of the period of tender.

The Honourable Sir Frank Noyce : The Postmaster General is making inquiries on this subject.

Mr. Mohan Lal Saksena : Then I hope the Honourable Member will inform the House later on when he gets the information from the Postmaster General.

The Honourable Sir Frank Noyce : If my Honourable friend will put a question on that subject down on the paper next Session, I will endeavour to give him a reply.

LEAVE RESERVE CLERKS IN THE JALPAIGURI AND COOCHBEHAR HEAD POST OFFICES.

1088. ***Mr. Amarendra Nath Chattopadhyaya :** Will Government please state whether it is a fact that some leave reserve clerks have been kept stationary for over a year in the Head Post Offices at Jalpaiguri and Coochbehar, while others are frequently made to move on relieving arrangements ? If so, why ?

The Honourable Sir Frank Noyce : With your permission, Sir, I will take questions Nos. 1088 and 1089 together. Government have no information and do not propose to call for it. Copies of the questions have, however, been sent to the Postmaster General, Bengal and Assam Circle, who is fully competent to deal with the matters referred to in them.

LEAVE RESERVE CLERKS IN THE POST OFFICES IN THE JALPAIGURI DIVISION.

†1089. ***Mr. Amarendra Nath Chattopadhyaya :** Will Government please enquire and state how many leave reserve clerks have been kept attached to other post offices in the Jalpaiguri Division over and above the sanctioned strength of those offices ?

SANCTION OF LEAVE RESERVE CLERKS IN THE BENGAL AND ASSAM POSTAL CIRCLE AND OTHER POSTAL CIRCLES.

1090. ***Mr. Amarendra Nath Chattopadhyaya :** Will Government please state the policy and procedure for the sanction of leave reserve clerks for each Divisional unit in the Bengal and Assam Postal Circle, as also for other postal circles in India ?

The Honourable Sir Frank Noyce : The Honourable Member referred to the reply given to starred question No. 1242 by Pand Lakshmi Kanta Maitra on the 16th March, 1936. The information the given shows the percentages fixed for the leave reserve in all branch of the postal service in every circle. In the Bengal and Assam Circle

†For answer to this question, see answer to question No. 1088.

certain additional staff has been sanctioned as leave reserve in five Divisional Units, viz. :

Jalpaiguri Division	..	..	15 clerks.
Lower Assam Division	..	..	6 clerks.
Burdwan Division	..	..	4 clerks.
Chittagong Division	..	..	2 clerks.
Darjeeling and Sikkim Tibet Division	..	..	1 clerk.

This has been done owing to the unhealthiness of certain localities in the first four Divisions and the difficulties attendant on travelling in the last.

HALTING ALLOWANCE SANCTIONED TO THE INSPECTORS AND SUPERINTENDENTS OF POST OFFICES IN THE HILL DISTRICTS OF THE BENGAL AND ASSAM CIRCLE.

1091. ***Mr. Amarendra Nath Chattopadhyaya :** Will Government please state whether it is a fact that the rate of halting allowance sanctioned to the Inspectors of Post Offices and the Superintendents of Post Offices in the Hill Districts of Bengal and Assam Circle is greater than that sanctioned for places in the plains ?

The Honourable Sir Frank Noyce : Yes.

ISSUE OF ORDERS REGULATING AND RESTRICTING THE TOURS OF SUPERVISING OFFICERS OF THE POSTS AND TELEGRAPHS DEPARTMENT IN THE HILL DISTRICTS.

1092. ***Khan Sahib Nawab Siddique Ali Khan :** Do Government propose to issue orders regulating and restricting the tours of supervising officers of the Posts and Telegraphs Department in the Hill Districts where allowance is greater ?

The Honourable Sir Frank Noyce : Government see no reason to issue any special orders as it is for the Controlling Officers to ensure that tours are undertaken, whether in Hill Districts or elsewhere, only when required in the interests of administration.

CONVERSION OF DEPARTMENTAL POST OFFICES INTO EXTRA-DEPARTMENTAL OFFICES IN THE JALPAIGURI DIVISION.

1093. ***Mr. D. K. Lahiri Chaudhury :** (a) Will Government please state the policy and the procedure of the postal department for orders issued regarding conversion of departmental sub and branch post offices into extra-departmental ones ?

(b) Will Government please lay on the table of this House a statement showing the number of departmental post offices converted into extra-departmental ones during the years 1935-36 and 1936-37 in each postal division separately of the Bengal and Assam Circle ?

(c) Will Government please state whether they have considered that it is possible that more departmental offices can be converted into extra-departmental in the Jalpaiguri Postal Division ?

The Honourable Sir Frank Noyce : (a) The conversion of departmental sub and branch post offices into extra-departmental offices is governed mainly by the necessity for working offices as economically as possible compatible with efficiency and for avoiding the reduction or withdrawal of postal facilities where offices are working at a loss.

(b) The information desired by the Honourable Member is not readily available and its collection would involve an undue expenditure of time and labour.

(c) Government have no information as to the extent to which further conversions are practicable. The matter is one with which the Postmaster General, Bengal and Assam, is fully competent to deal. A copy of this question will be sent to him for such action as he may consider suitable.

INSTALLATION OF "CARRIER SYSTEM" IN THE POSTS AND TELEGRAPHS DEPARTMENT.

1094. ***Mr. Muhammad Azhar Ali :** (a) Will Government be pleased to state :

- (i) what they mean by a 'Carrier System', and how many such systems the Post-Office has installed in India ;
- (ii) what advantages they offer in the matter of efficiency, economy and other attributes ;
- (iii) where they are located ;
- (iv) whether the plant and equipment is available for purchase ; and
- (v) whether the systems installed so far have been erected, exclusively, by Telegraph Engineers ; if not, who, hitherto, has been installing them for the Post Office authorities ?

(b) Is it a fact that not a single 'Carrier System' installed, hitherto, has been erected by a departmental engineer ? If so, what is the reason ?

(c) Is it a fact that Government were compelled to secure the installations from a foreign source and that they were forced to employ German Engineers to erect them also ? If so, why ?

(d) Have Government considered the justification in maintaining a permanent cadre of Divisional Engineers, Directors of Telegraph Engineering, an Electrician-in-Chief, a Chief Engineer and other highly-paid officers in their services when outsiders have to be commissioned to erect plants and installations ?

(e) Have Government instituted effective measures yet to compel their engineers to undertake and execute all such projects that become necessary from time to time in the Posts and Telegraphs Department ? If not, why not ?

The Honourable Sir Frank Noyce : (a) (i) A "carrier system" is a system by which the traffic carrying capacity of a telegraph or telephone circuit is increased to a large extent. Twelve such systems have been installed in India.

(ii) The system provides additional channels for traffic at a cost less than that required for the erection of new wires and the channels provided are less subject to disturbances and interruptions than open wire circuits.

(iii) I place on the table a statement showing the stations between which these systems are located.

(iv) Carrier equipments are manufactured by three or four firms in Europe from whom they can be purchased.

(v) Two systems were installed by the Officers of the Department while the remainder were installed by the firms who manufactured them.

(b) The reply to the first part is in the negative. The latter part does not arise.

(c) The fact is not as stated by the Honourable Member. The long distance and multiple channel carrier systems now being installed require very careful design, each installation having to be manufactured to suit the particular conditions of the lines on which it has to work. In order to ensure that the equipment is entirely suitable, one of the conditions imposed on firms with whom an order has been placed for the manufacture and supply of equipment is that no payment will be made until the equipment has actually worked satisfactorily for several months from the date of its installation. Consequently the firms which supplied the equipment were required to erect it as, in view of the condition referred to above, no firm would accept an order unless the installation was entrusted to them.

(d) Government are fully satisfied that the existing permanent cadre of officers in the engineering branch of the Department is fully justified, and that they are competent to carry out the erection of carrier equipments if this is found to be economical and necessary.

(e) Does not arise in view of the replies given to the previous parts of the question.

Statement showing the Carrier Circuits installed in India between certain Places.

- (1) Lahore and Okara.
 - (2) In the Office of the Electrical Engineer-in-Chief.
 - (3) Calcutta and Bombay.
 - (4) Calcutta and Delhi.
 - (5) Bombay and Delhi.
 - (6) Bombay and Ahmedabad.
 - (7) Bhusawal and Indore.
 - (8) Calcutta and Bombay.
 - (9) Bombay and Poona.
 - (10) Poona and Madras.
 - (11) Bombay and Ahmedabad.
 - (12) Delhi and Lahore.
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LEVY OF WATER CHARGES FROM THE INFERIOR SERVANTS OF THE POSTS AND TELEGRAPHS DEPARTMENT IN DELHI AND NEW DELHI.

1095. *Mr. Muhammad Azhar Ali : (a) Will Government please state whether it is a fact that the Director General, Posts and Telegraphs, has promulgated by an Order,—No. E.S.A.9|35|Coll. 2, on the 20th April, 1936, fixing water charges in Delhi and New Delhi, at annas eight per out-office, occupied by inferior servants of the department ? If so, how are these charges assessed and how do they compare with other stations in the Punjab and North-West Frontier Circle ?

(b) Is it a fact that the Postmaster General, Punjab and North-West Frontier Circle, acting on these orders, has issued instructions, subsequently, that the assessment made be realized from the 1st April, 1931, with retrospective effect ? If so, what action, if any, did the Postmaster General take to recover these dues himself ? What is the reason for this lapse of more than five successive years ?

(c) How often were the Delhi and New Delhi areas, since April, 1931, inspected by the Postmaster General himself and attached officers during the period under review ? Was any mention made in their respective inspection reports, that water charges, now claimed, remained unrealized ?

(d) Is it not an essential condition that when an inspection is carried out by an officer touring in any area all matters outstanding be rounded up and fully examined on the spot and reported on to the actual date of inspection ? If not, how are touring charges justified officially ? Are inspection reports regularly subjected to scrutiny and examination ?

(e) When the Director General promulgated these charges, did he take disciplinary action against all officers who inspected these areas, for their lapse, successively, for the last five years in having failed in their duties in not bringing the matter, previously, to his notice ? If so, how were they dealt with ?

(f) How were these charges met with by the department to the respective municipalities hitherto ? Do they still remain unpaid ?

(g) Do Government entertain any demand that remains unpaid for a period exceeding five years ? If not, how do they claim to realize the afore-mentioned charges from their most poorly paid servants ?

(h) Do Government propose to realize the afore-mentioned dues from Inspecting Officers responsible for the lapse of duty, or, in the alternative, write-off the liability they now decide to impose after five successive years ? If not, why not ?

The Honourable Sir Frank Noyce : (a) The fact is as stated in the first part of the Honourable Member's question. As regards the second part, as separate individual assessment is not possible in the absence of meters in each quarter a flat rate has been adopted based on the analogy of charges levied on the occupants of Public Works Department quarters plus a percentage on account of the water used in flush latrines. This covers all water consumption. Comparison with the charges in other municipalities in the Punjab and North-West Frontier Circle cannot usefully be

instituted as the rate and method of water taxation in different stations vary.

(b) The answer to the first part of the question is in the affirmative, but I may add for the Honourable Member's information that orders have since been issued by the Director-General of Posts and Telegraphs, making it clear that the orders regarding the recovery of water charges should apply only with effect from the 1st April, 1936. As regards the latter part of the question, there was undoubtedly some delay in discovering that the occupants of the quarters in question were not paying any water tax and there was some further delay in arriving at a suitable rate inasmuch as there were no separate taps and meters fixed for each quarter but there were common water taps and common latrines for a certain number of quarters.

(c) It is not possible to state accurately the number of occasions on which the Postmaster General and his attached officers visited Delhi and New Delhi since April, 1931, as all the relevant records are not available. For the same reason it is not possible to say whether any mention of the water charges was made in the inspection reports recorded by these officers.

(d) As regards the first part of the question, an inspecting officer is expected to look, as thoroughly as practicable, into all outstanding matters on the occasion of his visit to any particular office. The second part of the question does not arise. The reply to the last part of the question is in the affirmative.

(e) The question of fixing responsibility for the delay in the settlement of this question is under the investigation of the Director-General of Posts and Telegraphs who will take such action as he considers suitable.

(f) The charges on account of the supply of water to all Government residential buildings are met in advance by Government and recoveries from tenants are made later. No amounts remain unpaid to the municipalities.

(g) As regards the first part of the question, Government deal with claims by or against their employees on their merits. As regards the latter part of the question, the attention of the Honourable Member is drawn to the reply given by me to part (b) of the question.

(h) In view of the reply given to part (b) of the question, this does not arise.

CLASSIFICATION OF THE MEMBERS OF THE IMPERIAL SECRETARIAT SERVICE.

1096. *Mr. Sham Lal : Will Government please state whether all members of the Imperial Secretariat Service are classified as officers of either Central Services, class I, or Central Services, class II ?

The Honourable Sir Henry Craik : The reply is in the affirmative except in regard to Assistants in the Railway Department (Railway Board) as mentioned in the question.

VISIT OF A DEPUTATION OF THE MEMBERS OF THE LEGISLATIVE ASSEMBLY
TO THE ANDAMANS.

1097. *Prof. N. G. Ranga (on behalf of Mr. C. N. Muthuranga Mudaliar) : Will Government be pleased to state :

- (a) whether it is a fact that a deputation consisting of Members of this Assembly is to visit the Andamans shortly at the invitation of Government ;
- (b) If so, who those Members are ;
- (c) the basis for the selection of those Members ;
- (d) whether they are intended to be representatives of the Assembly ; if so, whether the leaders of the non-official parties were consulted before they were selected ; and
- (e) whether any official or non-official persons are visiting the Andamans at the same time, or a little in advance, or later ; if so, who are they, and for what purpose they are visiting Andamans ?

The Honourable Sir Henry Craik : (a) to (d). I would refer the Honourable Member to the replies which I gave to Mr. Satyamurti's starred question No. 291, dated the 10th September, 1936, and to the supplementary questions thereon.

(e) The answer is in the negative.

THE INDIAN TEA CESS (AMENDMENT) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for
12 NOON. Commerce and Railways) : Sir, I beg to move :

" That the Bill further to amend the Indian Tea Cess Act, 1903, for certain purposes, be taken into consideration."

It will be within the recollection of Honourable Members that the Indian Tea Cess Act was amended last year in order to raise the maximum rate of cess from 8 annas per 100 lbs. to 12 annas per 100 lbs. During the discussions on that Bill it was found that it was desirable to amend the Bill in other directions also, and an undertaking was given that those amendments would be carried into effect at an early date. The present Bill has been introduced in pursuance of that undertaking.

The purposes of the Bill are set out briefly in the Statement of Objects and Reasons. The main amendments that it is desired to make by means of this Bill in the Indian Tea Cess Act are :

- (1) to change the denomination of the Committee from the Indian Tea Cess Committee into the Indian Tea Market Expansion Board ;
- (2) to enlarge the membership of the Committee from 20 to 25 and to take advantage of this enlargement so as to increase the Indian element in the Committee.

Under the present Act, the strength of the Committee is 20. Out of these, 3 are Indian members—one because the nominating authority

is Indian, and 2 Indians are nominated by the Indian Tea Association in order to have adequate representation of Indian interests on this Committee. It is proposed by the Bill to raise the strength of the committee from 20 to 25 and to raise the Indian element on the committee from 3 to 6. On the basis of the contributions made to the cess, which are determined in their turn by the crop basis, the Indian share would, I understand, come to four out of 25. Honourable Members will therefore recognise that Indian interests are not being under-represented under the proposed amendment.

- (3) In order to enable the Committee or the Board as it will be called in future, to carry on propaganda with regard to the sale of tea together with the two other important tea producing countries in the world, advantage is being taken to empower the committee for that purpose.
- (4) The Committee are also being given power to raise loans subject to a maximum limit of Rs. 5 lakhs and also to a time limit of six months : that is to say, the Board shall have no power to raise a loan which is repayable beyond a period of six months, in order to enable them to carry on their arrangements during periods when the proceeds of the cess may not be available. The cess would come in only seasonally, and this power would enable the Board to carry on their propaganda throughout the year.
- (5) The main provision of the Bill, however, is to enable the industry to tax itself at a higher rate than is possible under the present Act, as amended last year. As I have explained, last year's amendment enables the industry to levy a cess which might amount to as much as 12 annas per 100 lbs. The present Bill raises that limit to Rs. 1-8-0 per 100 lbs. ; that is to say, the Board will have power subject to the provisions of the Act, to raise the rate of this cess up to Rs. 1-8-0 per 100 lbs.
- (6) Advantage is also being taken of this amendment to provide that there shall be power to levy a customs duty at the same rate on tea which goes outside British India over the land frontiers.

These are the main amendments that this Bill seeks to carry out. The list of amendments sent in is rather formidable for a Bill of this size. I believe the number of amendments is round about fifty ; but I understand that happily with regard to a very large number of them, almost all of them, there is complete agreement between such Honourable Members who are interested in the main objects of this Bill. The Bill also has the support of all the Local Governments and States concerned and of an overwhelming majority of the tea planters. I hope therefore that at the stage at which the House has now arrived with regard to its sittings, it will not take very long for the House to scrutinise this Bill and to pass it into law. Sir, I move.

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

" That the Bill further to amend the Indian Tea Cess Act, 1903, for certain purposes, be taken into consideration."

Mr. J. A. Milligan (Bengal : European) : Sir, the principal object of this Bill is to enable the tea industry to raise additional funds by

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taxing itself for the purpose of prosecuting in India and throughout the world a propaganda campaign for promoting the sale and increase in the consumption of tea.

This Bill has the support of 95 per cent. of the tea producers of India. The small minority who oppose it have expressed no disapproval of the objects for which the fund is raised. It is universally recognised that the salvation of the tea industry lies in one direction and one direction only, namely, an increase in world consumption. Some natural increase may be expected from reviving prosperity, but in every country the consumption of tea is threatened by stupendous advertising efforts put forth by the purveyors of rival beverages. The tea industry must counter these efforts with adequate propaganda of its own, or else tea drinking will definitely decline.

In the present period of depression it would be impossible to frame any proposal involving the raising of money which would receive 100 per cent. support from all members of the tea industry. The small percentage of opposition, however, is an eloquent testimony to the general soundness of the policy which has been promulgated.

It is interesting to note that the bulk of the opposition comes, not from Indian growers, but from European-owned concerns with headquarters in London.

The total dissent from the whole industry is 4.5 per cent. on acreage basis, 4.2 per cent. on crop basis; the dissent from Indian-owned concerns is 3.6 per cent. on acreage basis and 3.4 per cent. on crop basis of the total of Indian-owned concerns.

In relation to the whole industry, the Indian-owned dissent is only .7 per cent. on acreage basis .5 per cent. on crop basis.

The task with which the tea industry as a whole is confronted is firstly to restore world consumption to the level of 1929—which, in the case of India, means the recovery of 70 million pounds of lost export. Having recovered so far the industry will still be faced with the problem of finding new markets for the 300 odd million pounds more tea which existing tea plantations are capable of producing. The main task before the industry is to expand the world's consumption of tea to the extent of absorbing this potential surplus. When that has been achieved it is clear that India's potential output will have found a market as well as the output of Ceylon and the Netherlands East Indies.

So long as control lasts India will get its proportionate share of all increases of consumption.

When control comes to an end the question of diverting the Indian Tea Cess Fund to purely sectional propaganda will again arise, but meantime this policy would not help on the solution of the problem.

In the existing situation, Sir, to spend money competitively in efforts to persuade the world to drink Indian rather than Ceylon or Java tea would be folly. The price of Indian tea could not rise above slump level so long as the market was overloaded with other teas. The only solution which seemed possible in 1932 was an International Agreement, as achieved by the formation of the Inter-

national Tea Committee, and its recommendations for the solution of the problem were threefold:

- (1) control of exports—a policy approved by this Assembly in 1933;
- (2) regulation of production—a scheme which so far has only been tried in India on a voluntary basis.
- (3) the launching of an international joint propaganda campaign.

These recommendations were elaborated in a resolution passed by the International Tea Committee in 1934; and resulted in the formation of the International Tea Market Expansion Board in 1935 by the agreement of the Indian Tea Cess Committee, the Ceylon Tea Propaganda Board and the Amsterdam Tea Association. Each of these parent bodies is represented by two ordinary members and one technical member. The three technical members are paid by their respective parent bodies; and, under the general control of the Board, it is their business to direct the various campaigns. The International Board has no independent statutory position whereby it can impose its will on the parent bodies or spend their money without their sanction. The idea which has taken root in some quarters that this Board will arrogate to itself the responsibilities and powers which by statute belong to the Indian Tea Cess Committee is, Sir, entirely fallacious. Not only has each parent body the right to change its representatives on the International Board whenever it likes, but holds in its hand the very drastic weapon of the power each year to refuse supplies. In the past India has been interested in campaigns in the United Kingdom, the United States of America, and since the formation of the International Board, in campaigns in Canada and Egypt; for the future India will be interested in every campaign throughout the world including Australia, South Africa, and the countries of Europe, in addition to the campaigns I have already mentioned; and annually the programme and estimate of each of these campaigns for the following year will be submitted to the Board constituted under section 4 of this Bill; and the Board will have full power to refuse supplies if it does not approve of the proposals put before it.

I now turn to the question of the Board's expenditure of the fund. Section 5 (2) of the existing Tea Cess Act authorises the committee to meet the cost of such measures as the committee may consider it advisable to take for promoting the sale and increasing the consumption in India and elsewhere of teas produced in India. For a considerable number of years efforts have been made by the Indian Tea Cess Committee to increase the consumption of Indian tea in America and on the continent of Europe, in exercise of this authority. It was found, however, that a committee in Calcutta was ill-suited to the task of conducting campaigns in such distant countries, and a working arrangement was made with the Indian Tea Association, London, for the latter body to act as agents of the Indian Tea Cess Committee in these matters. In comparison with the efforts put forth by our rivals and competitors, and in view of the extent of the field which we attempted to cover, our expenditure in the past has been totally inadequate to achieve results capable of statistical demonstration. In the past there has never been a crisis comparable with the present situation. The last occasion when anything like it occurred was the depression which led to the passing of the original Tea Cess Act in 1903. Subsequent depressions have all

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been alleviated by natural expansion of tea consumption. The present crisis is much too big a thing to be relieved so easily, the more so as the number of rival beverages in the field has multiplied in recent years, and they are all spending lots of money.

The International Board will act as the agent of the Indian Board just as the Indian Tea Association in the past acted as the agent of the Indian Tea Cess Committee; with this important difference, that the new International Board will have its panel of technical members through whom it can maintain direct executive touch with each and every campaign. The parent bodies in the same way will, through their technical representative, be in direct executive touch with each and every campaign.

I should like, Sir, to say a word or two with regard to the principal campaigns to which India has contributed during the past year in order to satisfy those members present who entertain genuine doubts as to the value of spending all this money abroad.

With regard to the United Kingdom, I will content myself with reading you a brief extract from the letter of a planting member of the Ceylon Tea Propaganda Board, who was visiting the United Kingdom this year and had an opportunity of seeing the work being carried on by the Empire Tea Market Expansion Board there. He wrote as follows:

"Finally, one thing stands out pre-eminently and that is that we are, without any doubt whatever, getting almost unbelievable value for the relatively small amount we are spending on the United Kingdom campaign. This remark has very special reference to cities where our intensive drives are being carried out. Such being the case, I only wish we were spending many times the amount we actually are spending in the United Kingdom. I am not of the opinion that we have reached saturation figure as regards consumption in the United Kingdom, and the more we spend the better will be our reward."

In Canada, I will only refer to the import figures of black tea for the first five months of 1936 as compared with the corresponding period of 1935. There is a total increase of nearly 6 million lbs. in that period, and the increase is distributed as follows:

Approximately one million lbs. of the increase goes to Ceylon, 4½ million lbs. to India, and the balance to other countries.

I do not ask the Members of the House to attach any exaggerated significance to these figures but it will be admitted that they are encouraging.

With regard to the campaign which was launched on the first of January, 1936, in the United States of America, the reports which we have received are most encouraging; and we have reliable evidence that every big packer and distributor and all chain store and drug store organisations operating in the territory of our concentrated effort have experienced a marked increase in their sales of tea far in excess of any improvements they have noticed in other parts of the country. I may state that the returns which I have received relate to 6071 chain stores and 55 packets of tea, in the area of our concentrated campaign: with only one isolated exception they record increases of sales as a result of our campaign. Many of these increases are very substantial, some are very remarkable.

I have been asked again and again why I do not give some figures to support this statement—a very reasonable and obvious criticism. The explanation is that the information was given in confidence by the various trading concerns, and second that they did not disclose the actual increase of their business in pounds weight, but merely gave percentages. I need not tell Honourable Members that it would be entirely misleading to give a statement of percentages without the basic figures of poundage. So I must content myself with assuring the House that the percentages of increase supplied are very encouraging, without attempting to estimate the actual increase of consumption. The import figures are definitely on the up grade.

I do not ask the House to treat this evidence as conclusive proof of anything, but I claim that it is so encouraging that the campaign ought to be pushed on with increasing vigour.

The International Tea Market Expansion Board—in response to a request of the Indian Tea Cess Committee—recently prepared a programme and estimate for 1937, which were submitted to the Indian Tea Cess Committee, not with a view to obtaining immediate sanction to the expenditure described therein but to give the committee as approximate an idea as possible of the sums which will have to be provided in 1937, if the detailed programmes and estimates of all the campaigns to which the Indian Tea Cess Committee has decided to subscribe are duly approved and adopted by the new Board at the end of 1936. This Bill is designed to give the requisite financial scope; and a referendum will immediately issue to all producers of tea, asking them to authorise the new Board, which will be constituted under section 4 of this Bill, to request the Governor General in Council to raise the rate of cess to such level as may be necessary to finance the programmes for 1937 approved by it.

The actual sum indicated in the present provisional estimates as the contribution which it may be necessary for India to raise for purely international purposes is approximately £165,000 or rupees 22 lakhs. The estimated requirements of the Indian campaign during 1937 are approximately rupees 16½ lakhs, so that if all these proposals are found acceptable the newly constituted Board will ask the Governor General in Council to increase the rate of cess to Re. 1-4-0 per 100 lbs. of exported tea.

The reason why a maximum in excess of the requirements for 1937 is included in the Bill is to obviate the necessity of taking up the time of Government and this Assembly again in the near future, if and when the Board finds it necessary to raise further sums for the expansion of its efforts. The House will have no time for Bills of this kind in 1937 and 1938.

The campaign in America is definitely an expanding enterprise which will ultimately cover the whole of that vast country. Similarly the campaign in India has not yet attained its full dimensions. Even if no other campaign were to be started it is clear that these two campaigns alone will, at some future date dependent on the success which they achieve, necessitate an increase in the rate of cess collection above the level of Re. 1-4-0 which I adumbrate for 1937.

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In speaking about the provisions of the Bill I shall at this stage confine myself to the terms of the Draft Bill without making any reference to amendments which may be moved. The principal object of this measure is to empower the Governor General in Council to give effect to the recommendations of the Indian Tea Cess Committee for raising the rate of tea cess to higher levels as and when required with a potential maximum of Re. 1-8-0 per 100 lbs. of exported tea.

Some Members are, I believe, under the impression that the effect of this Bill will be the same as that of the Bill passed in April 1935, namely, to bring about an immediate automatic increase in the rate of cess without further reference to anybody. The wording of section 3 (a) introduces a very important change in this respect; the existing rate of cess will not be altered by this Bill; and it cannot be altered except by a Notification in the Gazette of India; and no such order would be issued by the Governor General in Council unless His Excellency were satisfied that the recommendation of the Board was fair and fully justified.

The reconstitution of the Indian Tea Cess Committee, set forth in section 4 of the Bill, is a measure which would have been embodied in the amending Bill of 1935 had time permitted. The basis on which cess is collected is crop. The Indian-owned crop basis is 81½ million pounds, which is approximately 16 per cent. of the total crop basis of India. From these figures it will be clear that in a Board of 25 members the Indian producers are entitled, on the crop basis, to a representation of 4 members. Section 4 of this Bill provides for 6 Indian seats. There exists for the purposes of executive action a non-statutory body called the Executive Committee, which was constituted by the Indian Tea Cess Committee itself for its own convenience; the spending powers of this body are limited to 2,000 rupees, and all its decisions are subject to ratification by the full committee. The feeling has been expressed that the Indian members of the committee should be represented on the Executive Committee. The Executive Committee hitherto has not been selected on the basis of any political or racial considerations but simply on the criterion of ability to attend frequent meetings in Calcutta and to be quickly accessible in case of a rapid decision having to be taken. For this reason it has been the invariable practice to include in the Executive Committee only members resident in Calcutta. In deference to the wishes of the Indian growers this criterion will be waived in future. Assurances have been given, both in London and Calcutta, that the Executive Committee will henceforth include two Indian members.

The changes embodied in section 5 are readily explained. It is not intended that the campaign in India will, in future, promote the sale and increase the consumption of any but Indian grown tea. In other countries, however, we are operating on an international basis, and the campaigns which we are there conducting are for increasing the consumption of the good black teas of India, Ceylon and Java Sumatra. As I have already pointed out, under the export control scheme any increase in consumption in other countries will be reflected in an increase of the export quotas of India, Ceylon and Java in the proportion of 38 : 25 : 17, that is to say, of all export quota increases

48 per cent. will come to India, 31 per cent. to Ceylon and 21 per cent. to the Netherlands East Indies. The effect, therefore, of the proposed substitution of the word "tea" for the words "teas produced in India" will not be in any way detrimental to the interests of India, and is at the same time a necessary alteration, so that the new Board will be authorised beyond question to contribute to overseas campaigns on a non-sectional basis as recommended by the International Tea Committee.

While the international campaign will be conducted on non-sectional lines with the ultimate object of making the whole world tea-conscious, the advertising activities of the distributing trade are everywhere being stimulated and the competitive advertising of different kinds of tea is being linked up with the central tea propaganda of the International Tea Market Expansion Board. In the United States of America the Indian emblem has not been discarded, and purchasers are advised to look for the name of the country of origin on the packets offered to them in the shops. If they see on the packet the name of India or the emblem map of India, Ceylon or Java Sumatra, they are buying the tea which we are recommending.

The other provision embodied in section 5, namely, that the Board may borrow money when required has been fully explained by the Honourable the Commerce Member. I would only add to what he has said that for six months in the year there is little or no export of tea, and therefore little or no income to the Cess Fund, but the expenditure of the Indian Tea Cess Committee goes on exactly the same throughout the whole year. Therefore, there always comes a period when the money is exhausted, and we have to receive assistance from a Bank. In the past that has given rise to considerable difficulties, and it is hoped for the future to simplify matters by embodying this borrowing power in the Bill. Every Member who listened to the debates of this Assembly in Delhi on the Ottawa Agreement must have realised, as he never did before, how important it is for the trade balance of India that the export of tea should be increased as much as and as rapidly as possible, and when I say that, on the passing of this Bill depends our ability to expand and intensify our efforts overseas for the achievement of that end, I feel I am putting forward a very strong argument for the support of the House.

I shall now say, Sir, a few words with regard to the amendments that have been proposed.....

Mr. President (The Honourable Sir Abdur Rahim) : The first two amendments for circulation are not going to be moved. There are two others also for circulation which, I understand, are also not going to be moved.

Mr. J. A. Milligan : The subject which has given rise to the largest number of amendments and one which is of great interest to Honourable Members of this House relates to section 4, that is to say the composition of the new Board and also the composition of the Executive Committee. Hitherto the Executive Committee has been a non-statutory body, but I can see no objection to including the Executive Committee in the Bill so long as no attempt is made to limit the power of the new Board to appoint its own Executive Committee. Some of the amendments seek to set up a statutory Executive Committee whose composition is independent of the Board's wishes and it might easily be that such an Executive Committee would represent a minority opinion of the Board, which would be

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entirely wrong. I am, therefore, in respect of that matter, willing to accept the amendment of Mr. Kuladhar Chaliba, No. 23.

With regard to the composition of the Board itself, amendment No. 15 of Mr. Akhil Chandra Datta, amendment No. 18 of Prof. Ranga, taken together, will, I think, meet with the general agreement of the House.

Further on, Sir, in clause 5, amendment No. 37 proposed by Mr. Chattopadhyaya and Mr. Akhil Chandra Datta, in my opinion, entirely meets the case, and I accept it gladly.

Again, amendment No. 45 of Pandit Nilakantha Das, I gladly accept.

Mr. President (The Honourable Sir Abdur Rahim) : What is the other amendment ?

Mr. J. A. Milligan : In clause 4, first I accept amendment No. 15, and with it No. 18, and further amendment No. 23, that is also in clause 4. I accept amendments Nos. 15, 18 and 23.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Government also accept them ?

Mr. President (The Honourable Sir Abdur Rahim) : What about clause 2.

Mr. J. A. Milligan : As regards clause 2, I understand that the Honourable Member does not wish to press the amendments and I also understand that the amendments to clause 3 will not be pressed. That was the understanding I was given by the Movers. There is also a consequential amendment which has come to me this morning by Mr. Akhil Chandra Datta, which will be essential. It will have to be altered in respect of one word—from 26 to 27. The effect of the acceptance of these two amendments will raise the total of the Board to 27. There are a few points about other amendments in regard to which Honourable Members might like to hear something from me. With regard to the amendments of my Honourable friend, Pandit Nilakantha Das, I would point out to him that the effect of his amendments, with the exception of one which I have accepted, will be to throw out of employment over 800 Indian employees of the Tea Cess Committee. Surely he does not want that. He wants to alter our whole methods of propaganda. We could carry on the propaganda he advocates quite well from our office in Calcutta without employing all these demonstrators, inspectors, superintendents and so on throughout the country. I do not think that is his intention. There are two amendments, one by the Honourable Pandit and the other by my friend, Mr. Sri Prakasa. With regard to the suppression of trade in bad tea. Well, that is one of the principal objects which the Tea Cess Committee keeps before it. The one difficulty which we have is that the laws on the adulteration of food are not sufficiently drastic. We do not get much help from them. It is true that very nearly every province has such an Act but our experience is that when we get a conviction before a magistrate the punishment inflicted is not deterrent. It may be something quite trifling—a few annas or a rupee, which is not very helpful ; but public opinion I am sure will gradually change all that and I can assure the two Honourable Members who have proposed these amendments that it is unnecessary to include such a provision in this Bill because it is one of the principal objectives of the Indian Tea Cess

Committee and recognised as such. My Honourable friend, Mr. Das, has proposed a few amendments relating to the manner in which the new Board will be brought into being. He is introducing for the first time the principle of election. In the case of the organised bodies, that will be perfectly easy but there are one or two groups whom it is proposed to represent in which election would be a difficult thing. The Indian Planters of North Bengal are organised as the Indian Tea Planters Association of Jalpaiguri. They are already represented. Therefore, the additional representative proposed by this Bill must be for the scattered growers of tea throughout Northern Bengal who could never be brought together as an electorate and my Honourable friend, Mr. Akhil Chandra Datta, will tell you, or rather, I will tell you for him that the growers of tea in Chittagong and Tippera would be a very difficult constituency to bring together for election purposes. I think that the principle of nomination in these cases, for some time at any rate, would be more satisfactory. When they are organised, election will automatically be their method but at present when they are scattered and there is no means of bringing them together, election is going to be very difficult. I suggest that the next time a Tea Cess Bill comes before this House, we will be able to find out how these new constituencies have worked. Now, a completely new lot of representatives are coming into this Board, persons to represent the Indian growers of Bengal, Assam and South India. When it is seen how these constituencies work, it may then be possible to bring in the principle of election. Sir, I support the Bill.

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : I support this motion moved by the Honourable the Commerce Member. Though I am not a tea planter myself, I am very keenly interested in the welfare of the tea industry, because the welfare and happiness of thousands of people from my province are closely bound up with the prosperity of this industry. Thousands of people from Assam and elsewhere find their employment in the tea industry. Crores of rupees have been invested in this industry and Indians who were in the beginning rather indifferent to this industry are taking an increasing share in this industry. Whenever the tea industry prospers there is sign of prosperity in Assam and when there is depression in the industry thousands of people are thrown out of employment, the cultivation is restricted and the position of Assam becomes very precarious. This is why I am very anxious to strengthen the hands of those who are striving to place the industry on a prosperous and stable basis.

I should like to give the House an idea of the present position of the industry and its future outlook, so that the House may be in a position to understand the necessity of this measure. Until the year 1928, the tea industry was a fairly prosperous industry. The prices were remunerative and more and more money was sunk in the tea industry. New gardens were opened up and this unrestricted production gradually led to a glut in the market. Prices fell tremendously and the tea that used to be sold for 10 annas a pound was brought down to four annas or something below the cost price and the concerns which suffered most from this depression were the infant Indian concerns which had no reserve or resources to fall back upon. The bigger concerns could somehow stand the storm because of the huge reserves they had behind them, but the Indian concerns with practically no reserve were hard hit by the depression. Most of the Indian gardens were mortgaged to either the banks

[Mr. Abdul Matin Chaudhury.]

or insurance companies, and at this stage the industry was saved by the resourcefulness and the initiative of the leaders of the tea industry in all the producing countries of the world. They devised a scheme for restricting the export. According to this scheme they fixed the quota beyond which the different producing countries are not allowed to export, and this has helped to raise the prices by restoring the equilibrium between supply and demand. The different producing countries passed legislation to give effect to this and I think in the year 1931 we also passed an Act in this House restricting the export, but all these measures were mere palliatives. They did not mean a radical solution of the problem. They only gave the industry a breathing time in which to adjust itself to the new conditions and they made fresh efforts to put the industry on a stable basis. Now today the position is this. By the year 1938 the Tea Control Act will be over and by that time the producing and regulating countries will be producing something like 1,050 million lbs. of tea every year and the non-regulated countries will be producing another 150 million lbs. In all, there will be a total world production of about 1,200 million lbs., as against the world's consumption of 865 million lbs. There will be a surplus of 335 million lbs. of tea in the market. We know from past experience that this difference between production and consumption has been a cause of disaster to the tea industry : and if the tea industry is not to be faced with the same serious situation again, it is for the leaders of the industry to look ahead and provide for this contingency. The problem with which the tea industry is faced today is to retain the existing market and to create a fresh market for these 335 million. It is only by intensive propaganda all the world over that they can find markets for their products, and for intensive propaganda they require money, and this Bill is intended to provide money for that purpose.

Sir, there are other provisions of the Bill which deal with the composition of the Tea Cess Committee. As the Honourable the Commerce Member pointed out, that will bring about an increase of representation for the Indian interests on the Committee. At present there are only 3 Indians out of 20 and it is proposed under the Government scheme to have six out of twenty-five. That means about twenty-five per cent. of the representation on the Board. On the production basis the Indian producer produces 16 per cent. of the total produce of tea in India ; so, with 16 per cent. production, they are getting 25 per cent. representation. I think that is not a quite unfair proposition. Up till now on the Executive Committee there was not a single Indian represented. I am glad my friend, Mr. Milligan, has given the assurance that he will accept the amendment proposed by my friend, Mr. Chaliha, and he has expressed his concurrence in many of the amendments that have been proposed. Having regard to these facts, I think the House will support this motion.

Mr. Kuladhar Chaliha (Assam Valley : Non-Muhammadan) : Sir, I rise with a certain amount of diffidence to support the Bill from this side of the House—as we are, by habit and training, opposed to any measure that emanates from the Government side. (Laughter.) But in this matter I think we all agree with the general provisions of the Bill and its principles. We all like that there should be a wider market for the products of the tea industry and better prices, and the only difference that we find in the various amendments is as to what should be the rate of the cess and what should be the amount of Indian representation on the General Committee.

These are the two points which require a little consideration. But before going into it it will not perhaps be out of place for me to inform the House the terrible tragedy and crisis through which the industry passed from 1928 to 1932, when tea from Assam, which previously had been sold at Re. 1 and 11 pies eleven per pound, was sold at five annas eleven pies per pound in 1932 and Indian tea generally from 15 annas 10 pies to 5 annas 8 pies per pound. Fortunately at that time Mr. Crawford of Messrs. Finlay and Company evolved a scheme in consultation with the other leaders of the industry, and the result was the Tea Control Act, by limiting the export to 60 per cent. of our production of 1929 and the effect was that immediately the export price of tea went up to 10 annas 5 pies per pound, and, all the same, the internal tea did not rise more than 4 annas 11 pies, which showed that the restriction of export alone would not do and therefore it showed the necessity that we must have a tea cess for propaganda not only in India but outside also, and, hence, the necessity for this Bill : and that is why we support the measure from this side of the House. I should inform the House, before we ask for its support, that the number of Indian labourers employed in this industry in this country—and I think the House hardly knows this—is 11,28,999 living in the states of Assam alone and the daily average working strength is more than 5,38,000, and in other parts of India they employ about 3½ lakhs daily in this industry, and if we include children in these estates, the number will be another six lakhs, and it will thus make a total of more than 17 lakhs of Indian labourers working both in Assam and outside.

An Honourable Member : How much ?

Mr. Kuladhar Chaliha : Seventeen lakhs and even more,—it is 17.78 lakhs or so. And they come mostly from Orissa, Madras, Bengal, Bihar and the Central Indian Agency. Further, if we take into consideration the number of young people who find employment from the districts of Bengal and Assam in these tea estates, it will not be less than 17,000 souls, who work as clerks, doctors, contractors, etc., and in these days of unemployment I think 17,000 employees is not an insignificant number, and if we can raise the price of tea, possibly it will be just possible that we can engage more of our young men in this industry, and in this connection you should remember that the problem of unemployment is at this day most acute in Bengal and Assam. Sir, if we take into consideration the total capital investment, it will be about Rs. 42 crores in this industry. The rupee investment is about Rs. 6.2 crores only ; some say it is Rs. 4 crores or thereabouts but I think it is about Rs. 6.2 crores or a little more. Besides these, there are about three hundred proprietary Indian estates and about three thousand small units of a few acres spread throughout India. If we take their investment also, it will be somewhere about Rs. 3 crores, which brings the total rupee capital investment to Rs. 9 crores. Then there is another sacrifice made in the shape of land revenue by the Province of Assam, and I think, of Bengal also, in the shape of concessions in the matter of land revenue and other rates, and if we take that into account, the Indian contribution will be much more. In Assam alone there are 1,046 tea gardens holding 17 lakhs acres (to be exact, 16,91,056 acres). And out of this 4,72,605 acres are either fee simple grants or old rules grant commuted and do not pay any land revenue. If you take the land revenue at the rate of even one rupee per acre for the last 60 years, it will be seen that we have probably been sacrificing about 2½ crores of rupees in the shape of land revenue for this

[Mr. Kuladhar Chaliha.]

industry. If you take all these factors into consideration, you will find that the Indian investment has contributed in labour and in the shape of sacrifices made in land revenue something like 11 crores of rupees.

My Honourable friend, Mr. Abdul Matin Chaudhury, has said that we produce about 16 per cent. and therefore the representation given in the Bill by the Government is satisfactory. My submission is that our investment in man, money and revenue is more and as such we are entitled to fair representation on both the General Committee and the Executive Committee. You should not look only from the point of view that we produce only 16 per cent. of the total production but our acreage is 21 per cent. and there are other considerations which my Honourable friend, Mr. Ranga, will be able to explain better than I can. I must say that in this matter my Honourable friend, Mr. Ranga, has been very reasonable and he has come almost in line with the Government and he can easily be called a capitalist.

The Honourable Sir Muhammad Zafrullah Khan : I would like to emphasise "in this matter".

Mr. Kuladhar Chaliha : I am glad that the omission which was made in the General Committee is now going to be made good because Mr. Milligan has just said that he is prepared to accept the amendment to be moved by Mr. Akhil Chandra Datta. That would also meet the point of view of Mr. Ranga, so I think there is hardly any difference. I am glad that they have accepted the Executive Committee about which Mr. Milligan gave an assurance on the last Tea Cess Bill and which was unfortunately omitted from this Bill. However, the commission has been made good by the very ready acceptance of the amendment which I proposed. What we want is effective representation on the Executive Committee because we are giving sanction to a fund which will bring at the rate of one rupee per 100 lb. about 32 lakhs, at the rate of Rs. 1-4-0 it will bring 40 lakhs, at the rate of Rs. 1-6-0 it will bring 44 lakhs and at the rate of Rs. 1-8-0 it will bring 48 lakhs taking the export to be 320 million lbs. Of course, when this Legislature has given sanction to raise such a sum we must have an effective voice and we must see that it is properly administered. Indians should have an effective voice in administering this fund. In this connection, I should like to say also that the Indian Tea Market Expansion Board will have to work in collaboration with the International Tea Expansion Board in foreign countries consisting of the representatives of three States, namely, Netherlands East Indies, Ceylon and India. We will have three representatives from each State and will it be too much for us to expect some times in the future that an Indian should be associated with this International Tea Expansion Board, otherwise we will miss the opportunity of capturing the world market? If this is not done, we will very often misunderstand the position. If, on the other hand, an opportunity is given to us to acquaint ourselves with the International tea market, I think there will be more harmony in the working of this fund. As such, I think an opportunity should be given to Indians to acquaint themselves with the affairs of the world and I trust Government will not forget this point of view.

I am of opinion that propaganda in India should be carried on proper lines and it should be done by Indians. The best market for tea is India. With a population of 353 millions, I think there is a vast possibility for expansion in this country. At present our consumption is only about

2 lb. per head of population and if this propaganda is carried on for India by Indians, there is immense possibility of expansion. How should this propaganda be carried out? I am not satisfied with the employees of the Tea Cess Committee. I find there are as many as 807 employees of which 317 are menials and the rest are either Indians or Europeans. There are over 22 persons who are getting high salaries and I am not aware if any of them are Indians. As such, we have a sense of grievance that our youngmen are not properly employed, especially from those parts of the country which produce the tea. They should be given a chance to do the propaganda work because in India Indians will be found the best workers in this line. So long as we continue to employ other than Indians, I think our feelings will not be satisfied. I understand from Mr. Milligan that our total consumption in India is about 72/80 millions and we have increased it by about 15 millions in the few years of propaganda which we have carried on and which we omitted to do before. If it is coupled with a proper propaganda, we can almost absorb 40 per cent. of internal production which we produce without sending it out. Our basic market, however, is U. K. In 1934, out of 435.7 million lbs. of consumption of tea about 254.1 million lbs. was Indian tea, 125.7 Ceylon, 10.4 China and 30.4 Java. In other words, 91.4 per cent. was British and 9½ per cent. of consumption was foreign. What we should do in the United Kingdom is to try and raise the consumption per head of the population which is now 9 lbs. to 10 lbs. Our attempt by means of propaganda should be to eliminate the foreign tea. Then Mr. Milligan has said, I believe, that they have carried on the propaganda even there and the results of the past few years have been very satisfactory but I trust we shall try to carry on further propaganda in the United Kingdom. But, Sir, I am sceptical about the propaganda that is carried on in the United States of America but Mr. Milligan now says that the propaganda will be successful as enough money has been invested. Shall I inform the House that since 1920 to 1935 their consumption has not increased from 80 to 90 million pounds per year? Unfortunately for us the consumption of Indian tea in 1932-33 was 16.7 millions, in 1933-34 it was 15.1 millions, in 1934-35 it was 12.8 millions and in 1935-36 it was only 12.7 millions. As such, I am rather sceptical about the propaganda work done in America because the amount spent is quite a big one. I will, therefore, ask the House to be careful in spending money there unless there are definite data that the consumption is going to increase. Our next best market was the Soviet Russia. Before the War they consumed about 172 million pounds and the consumption of the Indian tea was about 50 million pounds. In 1930, however, they consumed about 15 million pounds of Indian tea and in 1935, about 4 million pounds. We had expected that when they have established their credit, they would be able to buy more of Indian tea but that anticipation has not been realised. The Russians are now willing to purchase cash and I think the Indian Cess Committee should take advantage of their willingness to do so and send more tea there. Carry on a proper propaganda. Sir, I think in order to make the position clear I may state to the House and especially to Honourable Members on this side of the House that tea is not such a thing as will do a great deal of harm. People like my Honourable friend, Pandit Nilakantha Das, who want to preach against tea always take a cup of tea early in the morning and invite others also to tea.

Pandit Nilakantha Das (Orissa Division : Non-Muhammadan) : I am never a habitual tea drinker.

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LEGISLATIVE ASSEMBLY.

[10TH OCT. 1936.]

Mr. Kuladhar Chaliha : Whenever I went to my Honourable friend's house, he always offered me a cup of good tea, when we lived together he used to do so. My submission to Honourable Members on this side of the House, who probably think that by doing propaganda a great deal of harm is done, is that tea is not such a thing as to be considered a drug and I do not think those Honourable Members like my friend, Pandit Nilakantha Das, who object to tea drinking on moral grounds should go the length of prohibiting the gentlemen of the Government Benches sitting opposite to us from drinking tea. With these words, I support the Bill, and I hope it will be put on the Statute-book as an agreed measure.

Pandit Nilakantha Das : Sir, in this House and in its present mood, it is rather useless to make a speech concerning tea. A question was asked whether I was not drinking tea ; I say whenever tea is offered to me, I may not refuse it, but I am never myself in the habit of drinking tea. That is the position. I have often said in this House that I do not believe in the moral principle that all vices should be wiped out from human society. That is not the question. That cannot be done so long man is human. Still a vice is a vice. It must shrink gradually, it must not come out with open breast with propaganda in the market place, and in the streets.

The Honourable Sir Muhammad Zafrullah Khan : You mean it should be indulged in secretly !

Pandit Nilakantha Das : Man must take to some vice or other so long as he is in society. The human society cannot be without vice.

The Honourable Sir Muhammad Zafrullah Khan : But one must confess and indulge in it as such !

Pandit Nilakantha Das : It is not a matter of confession, but there are degrees in such vices. I do not now say that tea is such a vice as it should be forbidden by law. That is not my position here. What I mean to say is that it is admittedly not a necessity. As my Honourable friend said it does no harm to the human system. The best that can be said about tea is that it does no harm. But there is an apprehension of harm, which, the experts say, can be avoided by taking tea with milk or cream. I quoted several authorities, authorities who do not write on tea and tea alone as its champions for propaganda. They wrote on general subjects, on the food problem, and perhaps they investigated into poison and medicine and all these things, and they wrote those books on those subjects from which I selected and quoted to the House last year in this connection. But the other day I found a pamphlet on tea propaganda. Some of my Honourable friends might have read that pamphlet. In that pamphlet, some medical opinions are quoted. One of them actually begins by abusing those who speak ill of tea, and the best those medical men can say is that if tea is mixed with cream or milk it is harmless. Then again one funny argument has been advanced there in those opinions. Some experiments were made with cold tea, and it was found that typhoid germs when placed in cold tea died within 20 hours. That is how it was tested to be not harmful. I was surprised to read this argument in favour of tea. Will not any germ placed in poison die ? In the same pamphlet it is also said that man himself will die if he drinks excessive tea. Then, what to speak of typhoid germ. Is not the same argument true about malaria germs. they will be killed when placed in quinine, cholera germs will be killed

when placed in arsenic, influenza germs will be killed when placed in aconite. All our medicines are poisons and if tea is considered a medicine, I have no objection to it. Let it be used as a medicine. When man is exhausted, it is said, he has a tendency to refresh himself with some drink like tea. It helps concentration of thought. Even when our Yogis of old wanted to concentrate their thoughts, they used to take *bhang* or smoke *ganja*. If tea is to be used as a medicine or remedy like that then any medical man may safely advise you to take it. But my own objection to tea is that it is not a necessity like rice, wheat or *dal*. It may even be a luxury. Sometimes luxuries are allowed to people who are in a position to pay for those luxuries. I can even agree there. We are told that tea is a big industry in which so many labourers are employed and so many clerks and so many doctors also find employment and therefore we must give this grant of 50 lakhs. Such being the case, strangest part of the Bill is that Government are going to have practically no control. I should like to suggest that some Members of this House or the Central Legislature should be represented on that Tea Cess Committee. We are giving 50 lakhs and so Government should have some control over it.

An Honourable Member : Are you in favour of Government control ?

Pandit Nilkantha Das : I am in favour of control by elected representatives of the people. If that is not possible, I should like to have Government control. The Government are some day expected at least to be responsive, if not responsible. That is our ideal. If a statutory body like this is not under Government control, then there is no chance for its coming under the control of an elected body. That is my difficulty.

Again, Indians do not now stand in need of creating a luxury like this at this stage of their economic position. Our economic condition is so bad today that we do not know where to sell our rice or wheat, we do not know from where to get the money to buy our bare necessities of life. Our agriculturists are not in a position to spend today even a single pie more than is necessary ; rather they are deeply in debts, and we are going to create a necessity like this by means of propaganda.....

Mr. J. A. Milligan : I hope so.

Pandit Nilakantha Das : If you hope to create a necessity, out of this luxury, by all means do so by intoxicating people by propaganda in the name of civilisation and standard of life. I find I cannot prevent you. But I say the present is not an opportune moment for it, because I don't think our people are in need of such a luxury.....

Mr. K. Ahmed (Rajshahi Division : Non-Muhammadian Rural) : What about your Oriya labourers who are paid by these people among tea planters ? How many thousands of Oriya labourers are paid and maintained by these tea planters, do you know ?

Pandit Nilakantha Das : Yes, and my friend, Mr. K. Ahmed, also may be paid some day out of this fund. I don't mind it. We are always satisfied with these small crumbs and pittances. That is rather my grievance. Mr. Kabeer-ud-Din Ahmed and all his friends put together will not be able to get even five per cent. of all this money.....

Mr. K. Ahmed : That is a side issue. See the Report of the Labour Commission.

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[10TH OCT. 1936.]

Pandit Nilakantha Das : I should have been very glad if it were possible for this House to introduce a clause in the Bill so as to guard the interests of the labour as well as the consumers, for in this matter it is they who are mostly interested. Sir, the Indian market is perhaps the most unprotected thing in this world. Whoever finds no chance elsewhere comes with his article to the Indian market and knocks at the doors of Delhi and Simla, where lies the key to exploitation. Only the other day the Lancashire merchant knocked, and five per cent. is reduced for him. We all know to our cost why and how that was done. And today the tea propaganda has practically failed or is failing or is in danger of failing in foreign countries, and there is this vast helpless Indian market to be exploited and that in this way. As my friend, Mr. Chaliha, said, this market should be exploited. When this vast market is going to be exploited, and when Government and this House are going to give sanction, they are not making any provision for at least giving good unadulterated tea to the consumers. As my friend, Mr. Milligan, just said, there are the Food Adulteration provisions in all the provinces, but these will not be effective so far as tea is concerned, and when this Bill has been introduced into this House, at least for the sake of decency and decorum, the Government ought to have introduced another Bill or clause in this Bill.....

Mr. K. Ahmed : You move an amendment. It is open to you.

Pandit Nilakantha Das : Government should have made some provision at least so as to penalise the selling of bad or adulterated tea. At least this much we expected, but we have heard nothing about it. The Honourable the Member in charge says nothing about it. What will happen? What is actually happening today in India? Come to my part of the country and see what tea the peasants and the labourers are paying for? What is the kind of tea they are getting? They buy dust and powder.....?

Mr. K. Ahmed : No, no.

Pandit Nilakantha Das : Come to my village grocer's shop, and you will see what they are getting.

Mr. K. Ahmed : You only consume third class tea. (Laughter.)

Pandit Nilakantha Das : With the introduction of buses and motor cars, tea is being carried even without official propaganda into the villages even in the remotest parts of districts.....

Mr. J. A. Milligan : Might I give my Honourable friend a piece of information which will interest him? Since he brought this complaint to my notice, we have arranged to send a special representative of the Tea Cess Committee to Orissa to inquire into the sale of bad and adulterated tea.

Pandit Nilakantha Das : I thank my Honourable friend for the consideration.....

Mr. K. Ahmed : But you will have to pay more. (Laughter.)

Pandit Nilakantha Das : I thank my friend, Mr. Milligan, for the consideration he has shown to my suggestion.....

Mr. President (The Honourable Sir Abdur Rahim) : Is the Honourable Member going to finish his speech now?

Pandit Nilakantha Das : I shall take five minutes more, Sir.

Mr. President (The Honourable Sir Abdur Rahim) : Then he can finish his speech after lunch.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock. Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Pandit Nilakantha Das : Sir, I was expressing my thanks to my Honourable friend, Mr. Milligan, when the House rose, for giving consideration to the suggestion I made to him. I also thank him because he is doing his business all right. Everybody here is to serve his own interests or to serve the interests he represents, and in that way my friend, Mr. Milligan, is serving his interests perfectly well, and therefore every one present here must thank him. But what about our Government who are giving *carte blanche* to industry after industry, to plantation after plantation, by protection, Committees of Cess, and so on and so forth? They are not keeping any watch over the workings and the results of these measures, and that is my grievance. In this case, Sir, like any other industry, we are giving a kind of protection, and though not technically it is a protection, still it is a kind of monetary help we are giving to the industry, which can be called by no other name than protection. Then we are told, whether it is a necessity or a poison, the use of tea must be made familiar to our people by propaganda so that people must take to it, and after that when they get into the habit, these people, the tea planters and traders can make money, that our labour will be supported, and some more money will flow into the coffers of the Government also, for if the country gets prosperous, Government can also make some more money. But admitting that Government have found it necessary to introduce such a vice almost at the point of the bayonet as it were, is it not the duty of the Government to see that at least that vice is introduced properly within certain limits and subject to certain control? So I was going to ask the Honourable Member in charge of the Bill whether he has cared to introduce some measure for preventing the adulteration of tea. That measure should have come along with this measure. As I have already said, there are certain provincial measures generally against food adulteration, but they are not effective so far as tea is concerned. And tea is not a food, as has been recognised, or perhaps will be recognised, even by my friend, Mr. Milligan. It is a luxury, it is not a necessity.....

Mr. J. A. Milligan : It is a nourishing beverage.

Pandit Nilakantha Das : Is it a nourishment? What kind of nourishment is it? Is it a nourishment like that which our rice, milk or wheat gives. If tobacco or a mild intoxicant is a nourishment, then tea also can be called a nourishment. It may be a sort of nourishment when a man is fatigued, because it makes him forget his fatigue. To that extent I may admit it is a kind of nourishment as it is a refreshing dose. But whether that kind of nourishment should be introduced into our villages, is still a moot question, and Government before allowing this vice to be introduced into the villages should see that those interested in tea propaganda, I mean the Tea Cess Committee, work within certain

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limits and under control. That is what I press for. I was just presented with a book,—it is meant for children,—it is a picture book,—but it begins by quoting some Sidney-Smith in broad and bold letters—‘Thank God for Tea’. Had I been a Christian, I would have forgotten the Bible.....

The Honourable Sir Muhammad Zafrullah Khan : Thank God for everything.

Pandit Nilakantha Das : Yes, exactly we are enjoined to thank God for our daily bread. But we are asked to thank God for Tea. Then, ‘What would the world do without Tea’? I pause for an answer from the Honourable Member in charge of the Bill.....

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member in charge of the Bill is not a tea addict. I take far less tea in the course of the day than the Honourable Member who is now speaking.

Pandit Nilakantha Das : But he is as helpless as myself.

The Honourable Sir Muhammad Zafrullah Khan : I told him on a similar occasion last year when he was discussing the Coffee Cess Bill that he and I appeared to be the only two sane Members of this House, but then what is to be done?

Pandit Nilakantha Das : I am sorry to have to tell him, his personal feelings and considerations apart, that he is in charge of the Bill, he has to do some duty by some people, and he will see that every duty is linked with a certain amount of responsibility, and I hope he will discharge that responsibility to the satisfaction of all the people who are concerned, because in this matter it is not only the tea planters, the tea industrialists, the big growers who are concerned, but labour also is as much if not more interested in this, than anybody else, and especially when propaganda of this kind is proposed to be launched with the help of this money the consumer also is equally concerned. Then, Sir, says the quotation—‘I am glad, I was not born before Tea’.....

The Honourable Sir Muhammad Zafrullah Khan : Ignore this thing.

Pandit Nilakantha Das : But there is no way to ignore it. Here I see in the same Picture Book, page seven : ‘The Education Department of the Government of the United Provinces has approved of our proposal for the introduction of tea lessons in textbooks to be used in the vernacular and anglo-vernacular schools, and issued to recognised publishers an official notification to that effect (*vide*, United Provinces Government Gazette, dated 26th October, 1935). We are now making the necessary arrangements with a number of responsible publishing firms in the United Provinces’. How can you ignore all that?

The Honourable Sir Muhammad Zafrullah Khan : That is a bad case, I am afraid.

Pandit Nilakantha Das : I am very glad my friend admits it is a bad case.....

The Honourable Sir Muhammad Zafrullah Khan : I am not responsible for that circular.

Pandit Nilakantha Das : But the Government is responsible for the education of our children, and every one in this House knows how education is being imparted to our boys in these days. Our children are expected to learn only what they are given to learn. Even their behaviour is controlled from the school house. Our children are simply confined in a room as it were, and are allowed to see and learn what is given to them to see.....

The Honourable Sir Muhammad Zafrullah Khan : When they come out of the room they read accounts of tea parties given by one or two Honourable Members of this House and attended by several other Honourable Members of the House. So what good one particular Member and myself can do against all this deluge of publicity?

Pandit Nilakantha Das : My friend knows that our students do many things outside the house, but we are yet stupid enough to prevent many of those things inside the house.....

The Honourable Sir Muhammad Zafrullah Khan : There is no tea inside the House, but there is tea in the lobbies!

Pandit Nilakantha Das : So, Sir, I appeal to my friend,—I have no other weapon now,—to see that school children are not allowed to read lessons like these, and further it is most harmful that boys should be taught almost from their childhood to think of tea and tea alone in this fashion and to feel proud after the adage given here in this picture pamphlet that they were not born before the introduction of tea....

The Honourable Sir Muhammad Zafrullah Khan : Really, Sir, may I make an appeal to the Honourable Member? I fully appreciate his point of view, but we must get along with the business of the day.

Pandit Nilakantha Das : Very well, Sir, I accept the suggestion, and I shall finish in one minute. There is one more important matter which I should like to point out, and it is this, that we are now increasing this tea cess. It is on the export, but according to the general principles of business, I think the general level of internal prices may go up to the extent of the cess included. There must be some control to see that the tea sellers do not take advantage of this export cess, because there is that danger undoubtedly as there is no competitor in the market, and the Board must take care to see that undue advantage is not taken by tea sellers in the country of this tea cess. Of course they can forego it and do without it if they like. But it is money and if they can take advantage of it they will be inclined to do so. So I am pointing out this aspect of the question before I take my seat. And I also expect that my Honourable friend will be very careful in seeing that internal sale does not take advantage of the excess duty on export.

Mr. J. A. Milligan : Sir, may I be allowed to set the mind of the Honourable Member at rest? There is not the slightest intention on the part of the Tea Cess Committee to take advantage of the loophole which he indicates.

Pandit Nilakantha Das : But the danger is intrinsically there and I should like to see that it is not taken advantage of. Therefore I press that provision may be made or control should be exercised so that advantage may not be taken of this cess in the internal price, and some

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food adulteration Bill should be introduced so that tea sweepings, etc., are not sold in this country and some control should be put on the propaganda so that things like this may not happen that our Education Department will take it into their heads to make propaganda through lesson books.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division : Non-Muhammadan Rural) : Sir, at the time when our friends had been engaged in passing the Indian Companies Bill I remained silent and during this period I tried to study this tea industry which I think is a very important industry of this country. I am afraid I shall not be able to say all that I wanted to say as I have been asked to cut short my speech. Sir, last time when the cess was announced as 12 annas there was a simple one-clause Bill which was passed and today we have got a more comprehensive Bill which Mr. Milligan on behalf of the Indian Tea Association expressed the desire to bring in. It now appears that Government have brought forward the present measure at the request of the Indian Tea Association so that the amended Act may be more suitable for present times.

The tea industry is still passing through difficult times and is now on a regulated basis. During 1933 Government had been a party to a measure of control for the regulation of exports which the producers in India along with those in Ceylon and the Netherlands East Indies have entered into so as to regulate supplies to the world's consuming markets. The present difficulty in tea trade has been not of over production only but mainly of under consumption. This is quite clear from the fact that Russia which once consumed tea in the neighbourhood of 180 million lbs. now consumes a little over 50 million lbs. only. To remedy the situation it is now the intention of the tea industry to make more money available for propaganda operations to seek markets at home and abroad.

Sir, in India, though Assam with an acreage of 431,782 acres is really the principal home of the tea industry, the next in importance comes the Himalayan plateau of Bengal in the Jalpaiguri and Darjeeling districts and the areas in the south, *e.g.*, Travancore, Nilgiris, and there are isolated patches in the Punjab, Bihar, etc. In Punjab, Madras and Nilgiri sides many of the agriculturists are interested in plantations and over 3000 such plantations exist. Of the large industrial establishments 182 estates are in the hands of British companies who hold estates with companies incorporated in the United Kingdom with a capital of 36.4 crores and of the public limited companies registered in India 443 of the estates are established at a capital of 12.7 crores. Besides these there are over 300 proprietary Indian tea estates. It is estimated that the capital outlay of the Indian section of the tea industry is about a third of the joint stock companies registered in India. Besides a large amount is also held in Indian hands of the stocks of foreign companies registered in India.

Tea is one of the most important industries in India. Tea ranks third amongst India's principal exports. Of the total production of Indian tea about over 45ths of the total produce is shipped out of the country and thereby the international trade balance of India is improved.

The actual average value of shipment of Indian tea during the last quinquennium amounts to 20.0 crores. Tea forms about 12.6 per cent. of India's total export trade, *i.e.*, holding a -2/- share in India's total exports of merchandise.

The contributory position of tea to India's economic structure is of great interest. According to the last published report of the Department of Commercial Intelligence and Statistics about 0.802 millions of souls are actually permanently settled in the tea plantation and 0.103 million people are working from the bustees which represent roughly about 40 per cent. of the total number of labourers employed in large industrial establishments in India. Besides the actual labourers in the plantations there are craftsmen, supervisors, clerks and other workers in the plantations who are work directly subsidised by the gardens. A large amount is received by the transport agencies, *e.g.*, carts, lorries, steamer companies and railways in the transport of finished products and in the incoming stores, coal and other materials which indirectly subsidises the general inland trade. Not an insignificant contribution is made by the tea industry in the nature of Port Commissioners' dues and charges on the movement of the commodities. The contribution made by the tea industry to the inland revenue, *e.g.*, land rent, road and local cesses and to the Imperial revenue in the nature of income-tax, super-tax, surcharges and customs should also be considered and in the enlargement and prosperity of the industry the provincial and Imperial revenues will increase or will be affected. The responsibility of the State to an industry of this magnitude cannot be over-emphasised and ways and means should be found so that India's nationals should take more interest in one of India's principal industries and, as has been said, the tea industry in India may very well claim to be India's own national industry and holds a very key position in India's economic structure.

As I have stated before, mainly foreign capital has been employed in developing the industry and at present over 80 per cent. of the interests are held by foreign companies operating in United Kingdom and India. It should be our object heretofore to attract more Indian capital towards this important industry. It is interesting to note that of the total gross earnings of these foreign companies an amount in the neighbourhood of 70 per cent. is expended by them in payment of charges for production of the commodity from the estates right on to the point of shipment. This amount may be safely said to be retained in the country and is distributed all over the various provinces.

Under the present day conditions, it is estimated that the earnings of the tea plantations is in the neighbourhood of 300—400 per cent. of the normal yield on investments in gilt-edged securities in India and United Kingdom.

Of the foreign companies incorporated in India, a larger amount is spent within the country and it will be safe to estimate a figure over 75 per cent. of such expenditure within India.

Now applying the Ottawa test to the tea industry in this way how far it can be claimed to be a national industry and rank for country's scheme of preferences, from what I have already said India's whole national economic structure is so much interwined with this industry that you cannot for a moment consider it being treated separately or allow it to go to

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[Pandit Nilakantha Das.]

food adulteration Bill should be introduced so that tea sweepings, etc. are not sold in this country and some control should be put on the propaganda so that things like this may not happen that our Education Department will take it into their heads to make propaganda through lesson books.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division : Not Muhammadan Rural) : Sir, at the time when our friends had been engaged in passing the Indian Companies Bill I remained silent. During this period I tried to study this tea industry which I think is a very important industry of this country. I am afraid I shall not be able to say all that I wanted to say as I have been asked to cut short my speech. Sir, last time when the cess was announced as 12 annas there was a simple one-clause Bill which was passed and today we have got a more comprehensive Bill which Mr. Milligan on behalf of the Indian Tea Association expressed the desire to bring in. It now appears that Government have brought forward the present measure at the request of the Indian Tea Association so that the amended Act may be more suitable for present times.

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The actual average value of shipment of Indian tea during the last quinquennium amounts to 20.0 crores. Tea forms about 12.6 per cent. of India's total export trade, i.e., holding a 1/2 share in India's total exports of merchandise.

The contributory position of tea to India's economic structure is of great interest. According to the last published report of the Department of Commercial Intelligence and Statistics about 0.802 millions of souls are actually permanently settled in the tea plantation and 0.103 million people are working from the busters which represent roughly about 40 per cent. of the total number of labourers employed in large industrial establishments in India. Besides the actual labourers in the plantations there are craftsmen, supervisors, clerks and other workers in the plantations who work directly subsidised by the gardens. A large amount is received by the transport agencies, e.g., carts, lorries, steamer companies and railways in the transport of finished products and in the incoming stores, coal and other materials which indirectly subsidises the general inland trade. Not an insignificant contribution is made by the tea industry in the nature of Port Commissioners' dues and charges on the movement of the commodities. The contribution made by the tea industry to the inland revenue, e.g., land rent, road and local cesses and to the Imperial revenue in the nature of income-tax, super-tax, surcharges and customs should also be considered and in the enlargement and prosperity of the industry the provincial and Imperial revenues will increase or will be affected. The responsibility of the State to an industry of this magnitude cannot be over-emphasised and ways and means should be found so that India's nationals should take more interest in one of India's principal industries and, as has been said, the tea industry in India may very well claim to be India's own national industry and holds a very key position in India's economic structure.

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Now applying the Ottawa test to the tea industry in this way how far it can be claimed to be a national industry and rank for country's scheme of preferences, from what I have already said India's whole national economic structure is so much intertwined with this industry that you cannot for a moment consider it being treated separately or allow it to go to

[Mr. Amarendra Nath Chattopadhyaya.]

the wall. Over 50 per cent. of the raw material, labour and workmen and payments are made within the country and the tea industry virtually fulfils over 75 per cent. of the Ottawa test to be claimed as a national industry of India and in my opinion the prosperity of the industry should engage the serious consideration of the Government of India to find out all ways and means for its stabilisation.

As I have already stated, tea is one of the principal commodities which contributes to India's national trade balance, ways and means should be found to develop the industry and increasing the exports and also to improve the price factor so that India may prosper by further exports of this commodity. It is well known that there are enough land available in India both within British India and in the Native States for extension of areas under tea cultivation. It is estimated that even the present plantations can very easily put forward an extra 100 to 120 million lbs. of crop which may be available partly for extra consumption within the country and mainly for shipments outside.

The recent troubles of the tea industry have been to a large extent due to young areas which have been put into existence recently mainly in Java and Sumatra and also in South and North India, for which purpose it was necessary to bring in the scheme of regulation of exports so as to balance supplies in the natural law of supply and demand. During the height of slump in 1932 it appeared that large surplus stocks were lying in the bonded warehouses in London and as I will show hereafter that United Kingdom is not only the centre of distribution, but also the main country of consumption within the international markets, a severe glut happened. Along with the over production of the commodity there was also to a great measure under-consumption of tea when Russia was operating under very restricted conditions in the open markets and its consumption was brought down to a very low figure recently. It is therefore of utmost expediency to bring back that amount of consumption which once existed in Soviet Russia and also to find out new consumer in world's other principal markets.

It may not be out of place here to give an outline of world's tea trade. The total world's consumption which was once estimated at 95 million lbs. according to authoritative report published by the International Tea Committee, we find that during 1929 the figure has been 915.5 million lbs. which has gradually dwindled down in 1930 to 906.1, in 1931 to 892.2 and in 1934 to 865.6 million lbs. The above figures do not take into consideration the amount which has been consumed in the domestic markets of the country's production. Again it is interesting to find that in 1929 the quantity which was exported actually from the world's principal markets of production amounted to the high figure of 968 million lbs. which came down to about 900 in the two subsequent years and touching 933 million in 1932 and came down to 840.6 million lbs. in 1935.

According to recent reports the position of tea consumption in the United Kingdom which consumes practically about 55 per cent. of the world's all available supplies has been 451 million lbs. for year ending 31st March, 1936, which is little over 10 lbs. per capita. The trend of consumption and development of tea trade in United Kingdom is of great interest. The changes in supplies and consumption so closely follow the

tariff policy of the country and the price factor that it can very easily be estimated how the changes in supplies of the various countries are likely to be caused.

Besides the United Kingdom leaving out of consideration the domestic markets in the countries of production, the other principal consuming markets have been the United States of America, Canada, Australia and the Soviet Republic and their relative share of off-take for year ending 31st March 1936 has been 82.2 million, 36.7, 44.7, and 50.8 respectively. Other countries with good consumption are Irish Free State 22.3 million, Union of South Africa 14.2 million, New Zealand 10.6 million, Iran 11.5 million, Germany 10.3 million, Egypt 13.5 million, French Morocco 16.2 million and Netherlands 24.1 million. From the above it will generally be found that most of the Empire dominions and countries are the principal consumers and the British population are to be considered the best tea drinking people in the world.

The per capita consumption of tea in United Kingdom during the year 1935 is 10.02 lbs., Australia 7.0 lbs., Canada 3.37 lbs., New Zealand 6.2 lbs., Irish Free State 7.56 lbs., Union of South Africa 1.72 lbs., United States of America 0.61 lbs., Egypt 0.96 lbs., Iraq 2.16 lbs., Germany 0.14 lbs., Holland 3.17 lbs., Morocco 3.2 lbs., and Russia 0.32 lbs.

The comparative position of tea to the other competitive beverages, e.g., coffee and cocoa preparations in the United Kingdom are of abiding interest.

From the figures which I have already supplied, it is interesting to note that the principal market for Indian tea in the world being the United Kingdom. In 1924-25 out of the total quantity of 340.9 lbs. from India, 299.7 million lbs. was shipped to United Kingdom. In 1932-33 out of 379.8 million lbs. 331.5 million went to United Kingdom and during 1935-36 out of 312.6 million lbs. 278.7 million were shipped to United Kingdom. United Kingdom practically takes over 83 per cent. India's total shipments during recent years. So for all practical purposes, United Kingdom is the ground work of India's principal foreign market and for any policy for stabilising the foreign markets for Indian tea, the present hold in United Kingdom's markets should not be lessened.

Regarding the domestic consumption of tea in the countries of production, from recent figures available it is understood that Japan has got a consumption of 65 million lbs., Formosa 5 million, India 70 to 75 million and Netherlands East Indies 15 to 18 million, Ceylon an insignificant quantity, African countries 2 to 3 million. Unfortunately no reliable figures are available for the consumption in China and French Indo-China, but it is well-known that China is a country of tea drinkers and huge quantity is consumed within its borders.

From the figures which have already been placed before the House, there is enough material for thought and a steady policy of searching for additional outlets for extra produce can be made on definite channels. With the improvement in the economic position of the United States of Soviet Republics there appears to be every possibility of expansion of markets within that country and as it is believed that Russians are generally tea drinking people. The recent plantations in Georgia would not make enough tea available for supplies of the country's requirements and

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as Russia is gradually able to meet its foreign obligations and recent reports show they are now purchasing for cash their requirements, there is every hope to believe that this market will gradually expand. The Imperial Economic Committee in their report on tea refers to the importance of restoring the Russian market in paragraphs 118 and 119 and I would draw the attention of the Honourable the Commerce Member to the fact that every possible ways and means for improving the position is made in consultation with their friends in London and with the industry.

Efforts, I understand, have already been made of selling larger quantity of teas to Russia on longer credit terms and at present proposals on different lines are also being considered. All these attempts of the trade requires serious consideration in the hands of the State as it is clear that in the prosperity of the industry, the revenue of the Central and of several of the Provincial Governments will improve.

For over half a decade the Indian tea industry has been spending large sums of money for propaganda operations in the U. S. A. market and recent advices show that larger operations are being contemplated in conjunction with the producers of Ceylon and the Netherlands East Indies. Though the Imperial Economic Committee in paragraph 117 refers regarding possibility of developing markets in U. S. A. but they have rightly remarked that the total consumption of tea for the last decades for both black and green have virtually remained stationary within 80—90 million lbs. Though it is generally believed that America is a country which can pay for its tea purchases, but we should not go away from the fact that Americans naturally are more akin to coffee and they hold very large coffee interests. It may also interest Honourable Members to know that at the meeting which inaugurated the Tea Cess Act, Lord Curzon, the Viceroy of India, when told that the funds would be used to advertise tea on the continent of Europe and in America remarked :

“ Gentlemen, you surprise me ; talking of advertising tea in Europe and America when you have the finest market in the world at your own door.”

During the last decade these advices were followed by the industry and large sums were spent and the gradual progress in consumption within this country is of great interest :

	Million lbs.
1922-23	29
1925-26	46
1928-29	57
1933-34	66
Trade estimate for 1935-36	70 75

As the Indians have got no general liking for any beverage, tea is gradually becoming India's own national beverage and is now largely employed as a society feature for general consumption. The low purchasing power of the people and the price of the primary producer are main factors hindering any larger consumption of the commodity and the per capita consumption of tea in India is one of the lowest in the world which can be conceived of, but in the industrial centres, particularly in the Bombay Presidency, the consumption of tea is pretty considerable and is well over 4 lbs. per head which compares very favourably

with the figure of consumption in Canada and this leads us for hopes to be entertained of further development of markets within the country.

As I have already pointed out, the British people at home and in the Dominions are the main consumers of tea and in any bilateral trade agreement which the Government of India contemplate for the future the possibilities of increasing tea shipments to the Dominions and the Colonies should engage the serious attention of the Government of India. Even during the present Indo-British Trade Agreement it may be claimed that Indian tea should obtain more fiscal preference in the British markets either by increasing the margin of preference or by lowering the incidence of duty, and on behalf of the industry I would ask the Honourable the Commerce Member to look seriously into the position.

I understand that since the tea cess levy was started and up to the present time, an amount in the neighbourhood of 2½ crores has been raised by the Indian tea industry for propaganda works in India and in the world's principal markets. Tea cess collections have been in the neighbourhood of 3½ lakhs from 1903-04 to 1920-21, after that the amount of collections has been doubled, and later, increased to 13|14 lakhs up to 1933-34, and in 1934-35, about 16 lakhs was collected, and in 1935-36, 23½ lakhs. During current year about the same amount is estimated.

For the last two years Ceylon which was once collecting cess and was carrying on propaganda has resumed her operations along with the producers of the Netherlands East Indies and a scheme of advertising “ Tea for Tea ” is being proposed to fight out the competitive beverages. Along with these efforts it is unfortunate to find that the world's total absorption of tea is steady about 850 million pounds. It will therefore be expedient to carry on operations on more scientific lines and not only by demonstration and publicity, but also depending more on scientific researches and investigations to solve the problems of the industry. Not only by scientific researches could various other ways and means of uses of the commodity be expected, but also other refreshing drinks from tea may be obtained. Recent reports show that a tea syrup has been invented by an American scientist and hopes are realised that by this invention uses of the commodity will be increased.

The duty of the State should not only lie to assist in carrying on scientific researches and findings of markets but also in the dissemination of knowledge of the world's markets and trend of trade channels and all possible assistance should be rendered to the industry and it may not be too much for the industry to expect financial and material assistance from the State at all times.

As has been explained by my Honourable friend, the Indian tea propaganda in world's market is now gradually merging on international channels. Should the scheme of control over exports be not continued after some years, how will India's international markets be deriving its supplies thereafter ? This is a problem which both the industry and the State should think of now. Will the present share of India's tea supplies be maintained hereafter ? Besides in countries where there is no fiscal preference for Indian teas, will India's produce hold against the cheap produces of Java and Sumatra ?

Fears are also realised that when India has got no trade agreement with the U. S. A. in the event should India's export of this commodity assume large proportions as the industry now visualises, will the State

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Government give a guarantee of not levying any protective duty against India's exports? What will be the protection of India tea industry against such tariff walls?

It is further understood that Germany has got quotas for various commodities and Persia has been trading on a barrier system. This and other various factors *re* : exchange, shipping facilities and other considerations hamper the development of the trade. Will the Government in view of the magnitude of the industry give their most careful attention to these factors and guide the trade on more fruitful channels?

Regarding the different clauses, clause 4 of the Bill refers to the constitution of the Tea Cess Committee. Various suggestions have been made *re* : constitution of the administrative Committee.

The Indian Tea Association in their proposals have provided for more Indian seats in the proposed administrative Committee and various suggestions have been made and amendments suggested.

To put a more balanced position *re* : the administrative Committee the whole constitution may be sub-divided into the following groups :

Capital Group, Planting Group, Consumers' interest, Labour interest, Investors' interest, General.

There is a strong feeling that after providing for seats for the Associated Chambers of Commerce and the Federation of Indian Chambers of Commerce no further seat be allowed to the Bengal and Madras Chambers as the retention of their seats are not tenable in view of the fact that they do not make any contributions to the funds of the Tea Cess Committee and general investors' interest can be adequately represented by the composite bodies. But I find that Mr. Milligan has accepted Prof. Ranga's amendment and has given a seat to the South Indian Chamber.

The general administrative committee should be more of a composite character and it is not necessary to give undue weightage to any particular section of the trade or to capital or planting interest particularly.

For the actual administration of works of the committee and in order to execute the policy and directions of the General Committee, an Executive Committee is generally formed out of the ordinary members at every General Meeting. In our opinion such Executive Committee should be statutorily formed. Of course, I do not press for it, if it may be promised hereafter. In the last debates on the amending Bill, Mr. Milligan on behalf of the Indian Tea Association expressed that when the comprehensive measure will be brought forward the appointment of a statutory Executive Committee will then be considered. In my opinion such a statutory Executive Committee should be formed now and should consist of one-third of the number of members of the General Committee and of these executive members again at least one-third should be Indians. I am glad to see that Mr. Milligan has already given us an idea that three of the Executive Committee members will be Indians.

Mr. J. A. Milligan : My Honourable friend does not seem to have noticed that what I agreed to with my Honourable friend over there is exactly what he is proposing.

Mr. Amarendra Nath Chattopadhyaya : Yes. Therefore I am supporting the Bill.

With regard to the maximum rate, should India's exports reach the figure of 1929 which was 382.59 million pounds and the producers of India paying cess at the rate of Re. 1 per 100 lbs. a sum of Rs. 38½ lakhs will be collected and again should the producers of Ceylon and Netherlands East Indies collect at the same rate a sum of over Rs. 80 lakhs will be realised for propaganda works. This figure appears to us to be quite ample for any judicious international operations for expansion of markets and should also be considered as taxable limit for the producers, otherwise any additional levy will mean extra burden to them and in case of depression of prices in trade the producers' interest will greatly suffer.

[At this stage, Sir Leslie Hudson, one of the Panel of Chairmen, occupied the Chair.]

At this rate of Re. 1 per 100 lbs. means a charge of about 3 per cent. on the Estates' revenue expenditure which is pretty considerable.

I fail to understand the sense of the argument advanced that when Ceylon has got no internal market and Java has only about 10 per cent. of their total production which is a figure of only about 15 to 17 million pounds, why should collection be made on the basis of production and the Indian producers will be asked to pay much more than what the other countries were doing. In India the internal market is considerable and it is now estimated that a quantity of 70 to 75 million pounds is consumed annually, which represents roughly 20 per cent. of the total production. It should not also be forgotten that the Indian producers have already subscribed 2½ crores of rupees which have been spent in operations in various world's markets including India for Tea Cess works since 1903. You should not forget the point that should a large market be developed in India a great quantity of the country's produce will also be consumed within its border and much of the international problem as at present realised will be solved. So in my opinion the levy or the charge should be strictly on the export category and a figure at the rate of rupee one per 100 pounds will be ample for any amount of sensible propaganda and scientific research and operations but to keep a wider margin a figure at the rate of Rs. 1-4-0 per 100 pounds may be provided in the Bill. With these words, I support the Bill.

Mr. Ram Narayan Singh (Chota Nagpur Division : Non-Muhammadan) : I strongly oppose this Bill. A good deal has been said about the Tea Cess Committee and propaganda and many other things. I have heard long speeches about this great industry but not a word has been said as to what is the need for this tea industry. Nobody in this House will say that it is going to supply any portion of the necessities of life. On the other hand, it will create a bad habit among the people. My friend, Pandit Nilakantha Das, also opposed this Bill. He said that human society cannot be purged of all its vicious habits. But I do not think any human society ought to encourage vicious habits. In this country people are generally poor and this habit will tell upon their economic condition. They do not have enough money even to purchase their food. What to speak of having money to purchase food, they have no money even to purchase salt.

An Honourable Member : Not even to pay the Government.

Mr. Ram Narayan Singh : They pay from fear of force, not willingly. Shops will be opened and people will be tempted to purchase these things. Take for instance a case. There is a labourer getting three

[Mr. Ram Narayan Singh.]

or four annas a day. He has a wife and two or three children to support and he has fallen into the habit of taking wine. The whole of his wages or half of his wages goes in this vicious habit and his wife and children are starved.

The Honourable Sir Muhammad Zafrullah Khan : A cinema performance, for instance, would be a better illustration.

Mr. Ram Narayan Singh : I am also not in favour of it.

The Honourable Sir Muhammad Zafrullah Khan : I am not using it as an argument. I was supplying the Honourable Member with a better illustration.

Mr. Ram Narayan Singh : I thank you, Sir. I say this will tell upon the economic condition of the people. There is one thing more. The whole of this tea industry is in the hands of Europeans. Not more than 15 per cent. of it is in Indian hands. I stand corrected. The European concerns in this country are the agents of British Imperialism. I am sorry and surprised that my countrymen for a little gain are going to support this measure and thereby support European concerns in this country. It has been said that 70 lakhs of people are engaged in this industry. May I submit that these labourers who work under European concerns are so much controlled that nobody, even the Congress people, can go to them with the message of the Congress. We convey our messages to every hamlet and every citizen in this country but it is very difficult to approach these people who are working under European concerns. It is not a matter for pride that so many people are being supported by the tea industry. Cultivation in the mofussil has begun to suffer for want of labour. The agents of the tea concerns send their agents round the country and they entice away the agricultural labourers from the mofussil for the tea gardens and what is worse some times, whole families and whole villages immigrate to supply the labour for the tea gardens. The people in the mofussil are paid in kind whereas wages in tea gardens are paid in cash and of course a little more and thereby people are induced to leave their ancestral occupation and profession. It is, therefore, Sir, no pride to say that so many people are supported by the tea industry.

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

It is said that eight lakhs of acres of land are under tea cultivation. But even today sugar is imported from other countries and also many other articles of staple food. It will be for the benefit of the nation if all these lands are brought under cultivation for the purpose of producing articles which are necessities of life. Sugar-cane may be grown, many other things may be grown, which will all be for the use of the people of this country. Sir, I am sorry that in fact this tea industry is going to take the place of opium cultivation. (Voices : "No, no.") Yes. A friend of mine has said that people when they are tired do want some sort of decoction or something like that. I know many people will agree especially those who know it, that in this country there are leaves of *Tulsi* plants which can be a very good substitute for this tea, and I therefore say that this is not for the good of the country, and not only that, it is injurious to our health, and harmful to our agricultural cultivation.

and I therefore strongly oppose this measure and I hope the whole House will throw this out.

Several Honourable Members : The question may now be put.

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

"That the Bill further to amend the Indian Tea Cess Act, 1903, for certain purposes, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

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

"That clause 3 stand part of the Bill."

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I move :

"That in sub-clause (a) of clause 3 of the Bill, for the words 'one rupee and eight annas' the words 'one rupee' be substituted."

Sir, my argument in favour of this amendment is that no case has been made out to double this cess from twelve annas to one rupee and eight annas. Only last year we increased the cess from eight to twelve annas and I think this sudden rise will tell heavily on the export of tea. Tea at present is not in a flourishing condition and any kind of taxation, whether it is an export cess or excise duty, will affect the production and the producers. It may not affect the consumers but it will affect the producers....

The Honourable Sir Muhammad Zafrullah Khan : Does the Honourable Member realize that this Bill has been introduced at the request of ninety-five per cent. of the producers of tea in this country ?

Dr. Ziauddin Ahmad : It may be so but still I would like to know how it would benefit them.

The Honourable Sir Muhammad Zafrullah Khan : You were not here but this was explained.

Mr. J. A. Milligan : You are not being asked to subscribe, Doctor ?

Dr. Ziauddin Ahmad : That is no argument. Tea planters will of course agree to any condition imposed on them, and if any proposal is made from this Tea Cess Committee, no one can go out of it and he will have to give his consent. Therefore, this reference to 95 per cent. asking for it does not affect my argument. I should like to visualize how this increase of the cess duty from twelve annas to one rupee eight annas will substantially benefit the producers.—Will their quota be increased so as to make up for this additional loss by means of the increased profit on the increased output ?

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

"That in sub-clause (a) of clause 3 of the Bill, for the words 'one rupee and eight annas' the words 'one rupee' be substituted."

The Honourable Sir Muhammad Zafrullah Khan : Sir, I do not think I need spend much time in opposing this amendment. I am afraid, the Honourable the Mover of the amendment was not in the House when

[Sir Muhammad Zafrullah Khan.]

Mr. Milligan gave the House a full justification for the proposal contained in this part of the Bill. Sir, I oppose the motion.

Mr. Mohan Lal Saksena (Lucknow Division : Non-Muhammadan Rural) : Sir, I did not intend at first to take part in the discussion on this Bill but after reading this small pamphlet I felt I owe it to this House as well as to myself that I must draw the attention of this House to certain forms of propaganda which must be stopped and curbed. Sir, at page 7 we find :

"The Education Department of the Government of the United Provinces has approved of our proposal for the introduction of tea lessons in textbooks to be used in Vernacular and Anglo-Vernacular Schools, and issued to recognised publishers an official publication to that effect (vide United Provinces Government Gazette, dated 26th October, 1935). We are now making the necessary arrangements with a number of responsible publishing firms in the United Provinces."

The Honourable Sir Muhammad Zafrullah Khan : On a point of order, Sir, may I draw your attention to the fact that this matter has been fully discussed already by a previous Honourable Member, and the Honourable Member is now merely repeating what that Honourable Member said at length when you, Sir, were not in the Chair and the Deputy President occupied it.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member should not repeat the same arguments.

Mr. Mohan Lal Saksena : I find here certain forms of propaganda mentioned to which I want to refer.

The Honourable Sir Muhammad Zafrullah Khan : They have been referred to already by Pandit Nilakantha Das.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member need not repeat the same arguments.

Mr. Mohan Lal Saksena : Honourable Members are aware that Assam is perhaps the province which produces the largest quantity of tea, and, as such, the Government of Assam should be more interested in the propagation of the tea habit, and we also know that other provinces are comparatively more interested than the United Provinces. But why is it that it is only in the Province of the United Provinces that the Education Department has agreed to do propaganda on behalf of the Tea Cess Committee ? The reason is not far to seek. I may remind the House that in our Province the Minister in charge of Education is a businessman and a businessman to boot. I hope I am not wrong in saying that in his scheme of life politics and education are subservient to business. He represents business in the Council and as such he did not think it objectionable to issue a circular recommending that tea lessons should be incorporated in books prescribed for Anglo-vernacular schools. Sir, from every point of view such propaganda is objectionable and undesirable and it must be put an end to as soon as possible.

Mr. K. Ahmed : That was because most of the labour is supplied from the United Provinces.

Mr. Mohan Lal Saksena : Sir, we do not want to spoil our children. We know there are two opinions even about the tea habit. I am not ashamed to confess that I do not take tea and I am one of those who do not believe that the propagation of the tea habit under the existing economic and climatic conditions of India is very wholesome or desirable. But knowing as I do that the majority of the Members here are confirmed drunkards of tea, I do not oppose this measure. But still what I object to is that this sort of propaganda should be introduced into schools. I cannot allow education to be brought down from the very high pedestal it occupies to the low footing of tea stalls. After all, having agreed to the proposal of the Tea Cess Committee, how can the Minister for Education refuse the Coffee Cess Committee's proposal to introduce coffee lessons in schools if they make it, and later on, promoters of "Ovaltine" industry may want lessons to be introduced on "Ovaltine" or similar other articles ? So, after all, we cannot allow our school books to be made the means of advertisements of these commercial articles.

Mr. K. Ahmed : Go to the Textbook Committee of the United Provinces—not here.

Mr. Mohan Lal Saksena : Whatever the United Provinces textbooks may do or not do we are not here concerned with. The Honourable Member in charge wants us to raise money for carrying on propaganda for tea. What sort of propaganda ? For bribing these publishers that they should introduce tea lessons in these text-books ! I know there are Honourable Members in this House who are interested in education who are not commercially-minded, and I dare say they would not like our own children to be demoralized or that our educational institutions to be converted into tea stalls or for the matter of that be utilized for the purposes of any other commercial propaganda. My attitude towards this amendment will depend upon the assurance which I hope Mr. Milligan will give on behalf of the Tea Cess Committee and also on the assurance of the Honourable Member in charge because he has himself said that he is not addicted to tea habit. I hope he will not take a slight view of this matter as he took when my Honourable friend, Mr. Nilakantha Das, made a reference to it. It is a serious thing and he must give consideration to it. Unless that assurance is coming forward, I, for one, will not be a party to raising the cess. Then, Sir, there is another point. This propaganda is being taken to rural areas. Personally, I should think that our cities are big enough for the activities of Tea Cess Committee. I have got before me the report of an inquiry conducted by a Lecturer of Economics in the Lucknow University. This inquiry relates to wages and cost of living in the city of Cawnpore, and covers a period of two decades. At the end of this report he says :

"Two general conclusions can be drawn from this table, namely, (a) that the average quantity of food consumed by the labourers is less than the jail diet by 1.12 chs., and (b) that the diet of the labourers is inferior to the diet of a prisoner. The prisoner gets 11 chs. of wheat, 3 chs. of barley and 1 ch. of dal while the labourers eat 7.3 chs. of wheat, 3.5 chs. of Bajra, 19 ch. of gram, 1.6 ch. of rice and 1.29 ch. of dal.

The quantities of vegetables, meat and fish have not been considered in the foregoing table. It is difficult to gather from labourers the quantities of these articles because they consume these articles only now and then though in a jail diet 3 chs. of vegetables are given every day in addition to the diet mentioned above."

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[Mr. Mohan Lal Saksena.]

So, I submit that, when this is the condition of our labourers in the cities who are drawing Rs. 15 or more, our people in the villages cannot be better off. I think they should be protected against this kind of propaganda. This will be injurious to them and I hope the Honourable Member will also see that this propaganda is not spread to the rural areas. With these words, I support the amendment moved by Dr. Ziauddin Ahmed.

Mr. J. A. Milligan : Sir, I should like to explain for the information of the Honourable Member who has just spoken that the object of introducing tea lessons into schools is twofold. Firstly, it is only a beginning of educating children to know something about the big industries of India and it is intended that they should be followed by similar lessons with regard to other industries. Secondly, it is intended to do the very thing which my Honourable friends, Pandit Nilkantha Das and Mr. Sri Prakasa, ask for. It is an attempt to counter the distribution throughout India of bad and deleterious tea. It is teaching the children to drink good tea and the proper way to make it. I do not think that such lessons can properly be described as the demoralisation of the children. I would further point out and emphasise that this money which is going to be raised under this Act is not going to be raised as a tax on the general public, nor is it going to be raised as a tax on tea producers. It is something which the tea industry are asking your permission to contribute voluntarily for the purpose of doing propaganda to increase the consumption of tea in other countries as well as in India.

Pandit Nilkantha Das : May I say, Sir, that in this country such a propaganda in our school books, especially in our villages, will be particularly outrageous to the guardians and to the fathers of the children. We must understand the circumstances prevailing in our country. We are introducing a new thing which is not a necessity. It is an intoxicant, however, mild it may be, and a propaganda by means of school lessons taught to children will, I am sure, be outrageous. I would therefore like the Honourable Member in charge of the Bill to give us an assurance that at least in school text-books such things will not be included before we can make up our mind whether we should vote for or against this amendment.

Mr. J. A. Milligan : May I ask one question of the Honourable gentleman? Has he seen any of the lessons contained in these text-books and do they contain anything that is the least like propaganda and which asks children to drink tea? Is it not merely giving them information about it, whether they drink it or not?

Mr. Mohan Lal Saksena : The book-let that I have with me and from which I have already made a quotation shows what sort of propaganda you are carrying on. You said yourself that it is for this very reason that these lessons are being introduced. This shows what is the object behind this move of yours. It is not simply to give them information about one of the Indian industries. What about other industries, such as the textile industry, the steel industry and so many other industries? Therefore, I submit that your aim is not simply to provide information as you say but it is to make them addicted to tea habit.

Whether they can afford it or not, is a different matter. So, I say that this propaganda is objectionable.

The Honourable Sir Muhammad Zafrullah Khan : Is the Honourable Member entitled to make another speech? He has already spoken.

Pandit Nilkantha Das : I understand the difficulties of my Honourable friend. I can realise the personal difficulties of my Honourable friend, Mr. Milligan. But I appeal to the Honourable Member in charge of the Bill who is an Indian—I hope he is a villager—that he will realise the difficulties and he will give an assurance to the House that such propaganda at least should be prohibited.

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

“That in sub-clause (a) of clause 3 of the Bill, for the words ‘one rupee and eight annas’ the words ‘one rupee’ be substituted.”

The motion was negatived.

Dr. Ziauddin Ahmad : Sir, I move :

“That sub-clause (b) of clause 3 of the Bill be omitted.”

My reason for moving this amendment is that this cess duty may not be charged on export.....

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member does not appear even to have read the Bill, let alone to have listened to the discussion which took place on the consideration motion. The whole scheme is to levy a cess on exports. There is a cess provided for on exports by sea and this is merely consequential to the general scheme that as against the cess levied on exports through ports, there might be power to impose a customs duty on tea which is exported over the land frontiers.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : He wants it on internal consumption and not on export.

The Honourable Sir Muhammad Zafrullah Khan : That would change the whole scope of the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : Without the sanction of the Governor General in Council, the Honourable Member cannot propose anything for adding to taxation on tea. The Honourable Member cannot propose a new cess.

Pandit Govind Ballabh Pant : The Honourable Member (Dr. Ziauddin Ahmad) only wants sub-clause (b) to be omitted.

Mr. President (The Honourable Sir Abdur Rahim) : Then he can move his amendment.

Dr. Ziauddin Ahmad : I want, Sir, sub-clause (b) (2) of clause 3 to be omitted which runs as follows :

“The Governor General in Council may, by notification in the Gazette of India, direct that a customs-duty at the like rate shall be levied and collected on all tea produced in India and taken by land from British India to any place beyond the limits of British India.”

My reason is that if you really want to encourage the export of tea, then you ought to give every facility because from the report I find

[Dr. Ziauddin Ahmad.]

that our export is really diminishing. I find the following passage in the report relating to the trade of India on page 91 :

"There was a heavy reduction in the shipments in the consuming countries in 1934-35."

Later on, it says :

"This would mean a curtailment in exports of approximately 40 million pounds as compared with the.....exports in 1934-35."

Now, we have passed that it ought to be levied on these teas which are exported by ship. At least I want that we should have some reduction in the case of tea going to Afghanistan and Persia by land from India because they are very good customers of Indian tea and it is very desirable that we should increase our export by making our selling price the very minimum possible. With these words, I move my amendment.

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

"That sub-clause (b) of clause 3 of the Bill be omitted."

The motion was negatived.

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

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

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

"That clause 4 stand part of the Bill."

Mr. Basanta Kumar Das (Surma Valley *cum* Shillong : Non-Muhammadan) : Sir, before I move my amendment No. 12*, with your permission, I want to make certain alterations in the amendment. These alterations become necessary in view of what my Honourable friend, Mr. Milligan, has said. He said that some of the amendments would be accepted, and therefore, I want to make some verbal alterations so that the clause I want to amend might conform to the other amendments that are going to be accepted.

Mr. President (The Honourable Sir Abdur Rahim) : I should like to know what the alteration is.

"That in clause 4 of the Bill, for sub-clause (b) (i), the following be substituted :

(i) for the words beginning with the words 'the Committee' and ending with the words 'authorities namely' the following shall be substituted,

"The Board shall consist of 25 members, who shall be appointed by the Governor General in Council on the recommendation of after an election held for the purpose of recommending the persons to be so appointed, in accordance with the rules framed in that behalf under section 7 of the Act, by the following constituencies, namely, "

Mr. Basanta Kumar Das : I wish to alter the second part of the amendment thus :

"The Board shall consist of 27 members who shall be appointed by the Governor General in Council on the recommendation of the following bodies and authorities...."

Mr. President (The Honourable Sir Abdur Rahim) : I can allow the alteration of "25" into "27". I cannot allow the Honourable Member to substitute a new electorate.

Mr. Basanta Kumar Das : I am simply amplifying the word "constituencies". The words "bodies" and "authorities" are in the original Act.

Mr. President (The Honourable Sir Abdur Rahim) : I cannot allow anything in that connection except a verbal amendment.

Mr. F. E. James (Madras : European) : Sir, I want your ruling on this point. It is one thing merely to change a figure, but the Honourable Member is also changing the substance of his amendment. I think, during the course of the discussion on the Indian Companies (Amendment) Bill, you ruled that that should not be done unless previous notice was given.

Mr. President (The Honourable Sir Abdur Rahim) : I cannot allow such alteration.

Mr. Basanta Kumar Das : Then, I do not move amendment No. 12.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : There is an amendment to sub-clause (b) (i) of clause 4 raising the strength of the committee from 25 to 27 and this amendment would become necessary only if my amendment No. 15 is accepted by the House. So this amendment raising the strength of the Committee can be taken up after amendments Nos. 15 and 18 are disposed of.

The Honourable Sir Muhammad Zafrullah Khan : I do not mind which is moved first for the reason that both the amendments, Nos. 15 and 18, are going to be accepted by Government. That is the understanding and so we might as well start with the raising of the strength of the Committee.

Mr. Akhil Chandra Datta : In that case, I beg to move :

"That in sub-clause (b) (i) of clause 4 of the Bill, for the word 'twenty-five' the word 'twenty-seven' be substituted."

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

"That in sub-clause (b) (i) of clause 4 of the Bill, for the word 'twenty-five' the word 'twenty-seven' be substituted."

The motion was adopted.

Mr. Akhil Chandra Datta : Sir, I beg to move :

"That for sub-clause (b) (ii) of clause 4 of the Bill, the following be substituted :

(ii) for clauses (a), (b) and (c) the following clauses shall be substituted, namely :

(a) two on the recommendation of the Bengal Chamber of Commerce, one on the recommendation of the Bengal National Chamber of Commerce, one on the recommendation of the Madras Chamber of Commerce and

[Mr. Akhil Chandra Datta.]

one on the recommendation of the Associated Chamber of Commerce and one on the recommendation of the Federation of Indian Chambers of Commerce and Industry ;

(b) five on the recommendation of the Indian Tea Association, Calcutta, two on the recommendation of the Assam Branch of the Indian Tea Association and two on the recommendation of the Surma Valley Branch of the Indian Tea Association ;

(c) two on the recommendation of the United Planters' Association of Southern India, two on the recommendation of the Dooars Planters' Association, one on the joint recommendation of the Darjeeling Planters' Association and the Terai Planters' Association and one on the recommendation of the Indian Tea Planters' Association, Jalpaiguri ; and

(d) one on the recommendation of the Government of Bengal to represent the Tea Planters in North Bengal and one representing the Tea Planters of Tripura and Chittagong who are Indians, one on the recommendation of the Assam Valley Indian Tea Planters' Associations, one on the recommendation of the Surma Valley Indian Tea Planters' Associations and one on the recommendation of the Government of Madras to represent Tea Planters in Southern India who are Indians ;"

To make my amendment acceptable to all sections of the House, I may, with your permission, be allowed to add at the end of clause (a) of my amendment the words " one on the recommendation of the South Indian Chamber of Commerce ".

Mr. President (The Honourable Sir Abdur Rahim) : Then Professor Ranga will not move his amendment ?

Mr. Akhil Chandra Datta : No, Sir.

The Honourable Sir Muhammad Zafrullah Khan : Sir, I may point out that in that case the word " and " in the last line on page 2 shall be omitted, and added at the end of the clause as it now stands, and then those words should be added, " one on the recommendation of the South Indian Chamber of Commerce ".

Mr. Akhil Chandra Datta : Yes. For reasons which will be obvious to the House, I shall not take the time of the House unnecessarily by making a speech. Sir, I move.

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

" That for sub-clause (b) (ii) of clause 4 of the Bill, the following be substituted :

" (ii) for clauses (a), (b) and (c) the following clauses shall be substituted, namely :

(a) two on the recommendation of the Bengal Chamber of Commerce, one on the recommendation of the Bengal National Chamber of Commerce, one on the recommendation of the Madras Chamber of Commerce and one on the recommendation of the Associated Chamber of Commerce, one on the recommendation of the Federation of Indian Chambers of Commerce and Industry, and one on the recommendation of the South Indian Chamber of Commerce ;

(b) five on the recommendation of the Indian Tea Association, Calcutta, two on the recommendation of the Assam Branch of the Indian Tea Association and two on the recommendation of the Surma Valley Branch of the Indian Tea Association ;

(c) two on the recommendation of the United Planters' Association of Southern India, two on the recommendation of the Dooars Planters' Association, one on the joint recommendation of the Darjeeling Planters' Association and the Terai Planters' Association and one on the recommendation of the Indian Tea Planters' Association, Jalpaiguri ; and

(d) one on the recommendation of the Government of Bengal to represent the Tea Planters in North Bengal and one representing the Tea Planters of Tripura and Chittagong who are Indians, one on the recommendation of the Assam Valley Indian Tea Planters' Associations, one on the recommendation of the Surma Valley Indian Tea Planters' Associations and one on the recommendation of the Government of Madras to represent Tea Planters in Southern India who are Indians ;"

Mr. Akhil Chandra Datta : Sir, before you put this amendment, I should like to point out one thing. Clause (d), as you read it, stands like this :

" One on the recommendation of the Government of Bengal to represent the Tea Planters in North Bengal and one representing the Tea Planters of Tripura and Chittagong ", etc.

What is really intended is that that will also be on the recommendation of the Government of Bengal. But, as it stands here, that is not clear.

The Honourable Sir Muhammad Zafrullah Khan : Then, I think it ought to stand like this :

" Two on the recommendation of the Government of Bengal, of whom one is to represent the Tea Planters of North Bengal and one to represent the Tea Planters of Tripura and Chittagong who are Indians ", etc.

Prof. N. G. Ranga (Guntur *cum* Nellore : Non-Muhammadan Rural) : Sir, so far, this amendment has been agreed to by all sections of the House. I find that in the next amendment which incorporates all this and which stands in my name there is a proviso which I should like to move separately. But as I have to seek your permission I should like to know whether you would advise me to move it separately or whether you want me to move it along with this.

The Honourable Sir Muhammad Zafrullah Khan : Sir, may I put this for the consideration of the Honourable Member ? It would be a little bit embarrassing to have it in that form in the statute, but I am quite prepared to give him an assurance that when these unorganised producers have organised themselves into associations, the representation, which at present vests in the Local Governments on their behalf, will be exercised directly by these associations. I certainly have not the slightest desire that on a committee like this Local Governments should continue to make nominations if it is possible that the interest for whom they are making nominations are themselves in a position to nominate.

Prof. N. G. Ranga : Sir, in view of that assurance I will not move that proviso at all and I support this amendment moved by my Honourable friend, Mr. Akhil Chandra Datta. In supporting this I have to say only a few words. When I pressed for the claims of the South Indian Chamber of Commerce to have one of their representatives on this committee, I did so in the full consciousness of the fact that such a chamber deserves such representation, but not because I happen to be a member

[Prof. N. G. Ranga.]

of that chamber or I seem to become a member of that chamber. Even when I agreed to support the principle underlying this particular Bill, I had no doubt whatsoever as to the inadvisability of carrying on a virulent campaign for popularising tea in this country. But at the same time, as my Honourable friend, the Commerce Member, has put it, since it is no longer practicable to think of preventing the Tea Cess Committee or any other body from propagating tea consumption in the country and since large numbers of people have already become addicted to it and many more are slowly taking to it, I have thought it fit to see to the proper representation of the various interests, specially the peasants who are themselves interested in raising tea, that they are properly represented on this Tea Cess Committee and that their interests are properly safeguarded. It is for that reason that I have thought it fit to support this Bill and I am glad that those of us who have interested ourselves in this Bill have been able to agree upon the manner in which this representation should be allotted to the different interests concerned. I sincerely hope that the assurance that is given by my Honourable friend, the Commerce Member, will come to be implemented in its letter as well as in spirit and I hope that very soon those business associations or planters' associations will come into existence and take advantage of the representation offered to them.

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

"That for sub-clause (b) (ii) of clause 4 of the Bill, the following be substituted :

"(ii) for clauses (a), (b) and (c) the following clauses shall be substituted, namely :

- "(a) two on the recommendation of the Bengal Chamber of Commerce, one on the recommendation of the Bengal National Chamber of Commerce, one on the recommendation of the Madras Chamber of Commerce and one on the recommendation of the Associated Chamber of Commerce, one on the recommendation of the Federation of Indian Chambers of Commerce and Industry, and one on the recommendation of the South Indian Chamber of Commerce ;
- (b) five on the recommendation of the Indian Tea Association, Calcutta, two on the recommendation of the Assam Branch of the Indian Tea Association and two on the recommendation of the Surma Valley Branch of the Indian Tea Association ;
- (c) two on the recommendation of the United Planters' Association of Southern India, two on the recommendation of the Dooars Planters' Association, one on the joint recommendation of the Darjeeling Planters' Association and the Terai Planters' Association and one on the recommendation of the Indian Tea Planters' Association, Jalpaiguri ; and
- (d) two on the recommendation of the Government of Bengal of whom one is to represent the Tea Planters in North Bengal and one to represent the Tea Planters of Tripura and Chittagong who are Indians, one on the recommendation of the Assam Valley Indian Tea Planters' Association, one on the recommendation of the Surma Valley Indian Tea Planters' Association and one on the recommendation of the Government of Madras to represent Tea Planters in Southern India who are Indians."

The motion was adopted.

Mr. Kuladhar Chaliha : Sir, I move :

"That in sub-clause (b) (ii) of clause 4 of the Bill, after the proposed clause (d), the following new clause be inserted :

"(e) That the Executive Committee of the Indian Tea Market Expansion Board so constituted shall consist of nine members of the Board of which three at least shall be Indians."

The object of this amendment is to give representation on the Executive Committee to the tea producing provinces. But

I have made it elastic in order to allow sometimes—say once in two or three years,—representation to those planters who are in the United Provinces or Bihar. I learn from our Deputy Leader, Pandit Govind Ballabh Pant, and also from Raizada Hans Raj that there are tea estates in the United Provinces as well. So to give representation to them sometimes, it is better that it should be a little elastic and I have not accepted Prof. Ranga's amendment lower down. Sir, I move the amendment with these words.

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

"That in sub-clause (b) (ii) of clause 4 of the Bill, after the proposed clause (d), the following new clause be inserted :

"(e) That the Executive Committee of the Indian Tea Market Expansion Board so constituted shall consist of nine members of the Board of which three at least shall be Indians."

The Honourable Sir Muhammad Zafrullah Khan : May I suggest one slight change which might improve the drafting ? Instead of the words "of which three at least", may I suggest that we may substitute the words "of which not less than three" ? That is the usual expression when a minimum is to be secured.

Mr. Kuladhar Chaliha : I accept the suggestion.

Prof. N. G. Ranga : Sir, I am in complete agreement with this amendment, but I am rather surprised at the mention made by my Honourable friend, Mr. Chaliha, that out of these three some representation may be given occasionally to either Bihar or the United Provinces if and when occasion arises. But I find that whereas Assam has got 428,000 acres of land, Bengal 198,000 acres and Madras 73,000, these two provinces which are specially mentioned have under tea only 4,000 in Bihar and 6,400 acres in the United Provinces. When we agreed upon this, we were under the impression that the three members were to be allotted for these three major tea producing provinces....

Mr. President (The Honourable Sir Abdur Rahim) : The idea was that ordinarily it will be the three major tea producing provinces, but occasionally the Bihar and United Provinces also might send one : that is the suggestion.

Prof. N. G. Ranga : So I suggest, since we have used the phrase "not less than three" that occasionally it will be left to the Committee to decide—say, once in two or three years—that they may have less than six seats for Europeans and allow one more seat for an Indian so that he may represent either Bihar or the United Provinces as they like ; but as far as the three major tea producing provinces are concerned I submit

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and I suggest for the consideration of my Honourable friend, the Honourable the Commerce Member, that an assurance ought to be given that one for each of these three provinces will always be allotted....

The Honourable Sir Muhammad Zafrullah Khan : Has the Honourable Member assured himself that the United Provinces and Bihar as such have any representation on the Board ? As they are not represented on the Board : so why worry ?

Prof. N. G. Ranga : I am glad the Honourable the Commerce Member has drawn my attention to that very relevant fact. Neither of these two provinces has any representation on the Board and so that particular point does not arise. So I sincerely hope that this understanding will be implemented in its letter and spirit in actual practice and that these three provinces will be given one seat each on the Executive Committee ; and if it is possible to increase I sincerely hope that in the not very distant future the Tea Cess Act will make it possible for providing for some more Indians on the Executive Committee.

Mr. N. V. Gadgil (Bombay Central Division : Non-Muhammadan Rural) : Sir, I would like to put in a word on behalf of the consumers. In this particular game of satisfying each other, the producers have been given representation ; the planters have been given representation ; the dealers have been given representation ; various commercial bodies have been given representation ; and in fact I expected that Prof. Ranga would plead for labour to be given representation ; but he is also satisfied with representation being given to the South Indian Chamber of Commerce. I must really protest on behalf of the consumers. Where will all these interests be if we the consumers did not consume tea at all ? It is not in any light-hearted manner that I am pleading, but if it is possible even at this stage....

The Honourable Sir Muhammad Zafrullah Khan : But does the Honourable Member realise that the clauses dealing with the representation of various interests on the Board itself have already been passed ? That is one thing....

Mr. N. V. Gadgil : I realise that.

The Honourable Sir Muhammad Zafrullah Khan : Another thing : may I draw his attention to the fact that the whole activity of the Board, so far as this Bill is concerned, will be to make propaganda for greater consumption of tea ? Which interest of the consumers would be affected in that case ?

Mr. N. V. Gadgil : The propaganda will be for those who do not drink tea or those who drink tea ?

The Honourable Sir Muhammad Zafrullah Khan : The propaganda will be on behalf of the producers.

Mr. N. V. Gadgil : Therefore, if the consumers do not co-operate, the planters will vanish before midnight. Therefore, I submit that even if it is possible at this stage, somehow or other, to represent the interests of the consumers, either by giving representation to this House or to the other House or a combined representative for both, I submit it should be done. It is a good grievance ; and when the Honourable the Commerce

Member is being moved to accommodate everybody, I hope he will be moved to accommodate the consumer without whom they will be nowhere.

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

"That in sub-clause (b) (ii) of clause 4 of the Bill, after the proposed clause (d), the following new clause be inserted :

"(e) That the Executive Committee of the Indian Tea Market Expansion Board so constituted shall consist of nine members of the Board of which not less than three shall be Indians."

The motion was adopted.

Mr. Sri Prakasa : Sir, I move :

"That after sub-clause (b) of clause 4 of the Bill, the following new sub-clause be inserted :

"(c) It shall be incumbent on the Indian Tea Market Expansion Board to make, as a part of their propaganda in India, adequate arrangements for overseeing the tea shops in the various parts of India, and making sure that tea is properly brewed and supplied in a clean and proper manner particularly in the poorer quarters'."

My esteemed friend, Mr. Milligan, was good enough in his opening speech to refer to this amendment of mine, and he said that the great difficulty he experienced in improving the quality of tea supplied in the bazars was due to the fact that magistrates, who are very keen on giving the maximum punishment in political cases, give very inadequate punishments in the cases that he brings before them. Personally I am no believer in punishments at all ; and my own experience of prison life shows that the whole system of punishment in India is absolutely wrong. You will scarcely find any prisoner, political or non-political, who is there for the first time ; and very often people are found there who have gone there for the twentieth time. Therefore if Mr. Milligan wants only to have stringent punishments for persons who do not carry out his behests, he will not succeed in his purpose of a better and cleaner supply of tea. I am in favour of a better method of doing things, and that is by proper education.

Mr. K. Ahmed : I know you are very fond of tea, and your family members too.

Mr. Sri Prakasa :

"Twinkle, twinkle, little star,
How I wonder what you are."

(Laughter.)

Mr. K. Ahmed :

Up above the world so high,
Like a diamond in the sky"

(Loud laughter.)

Mr. Sri Prakasa : I really want that there should be a sympathetic handling of the situation ; and I am sure that if those who are in charge of this propaganda went about to the places where tea is sold and told the vendors how exactly tea should be brewed and made, much good would be done. In this connection, I should also like to point out that last year, when a similar Bill was before this House, I ventured to suggest

[Mr. Sri Prakasa.]

to Mr. Milligan, a suggestion which he accepted, that he might induce Government to see that prisoners were also supplied with tea at the expense of the Tea Cess Committee. In the United Provinces prisoners are not given any tea at all; and if Mr. Milligan could induce Government to allow him and his people to visit prisons from time to time, he would be doing a great deal of good to a very desirable class of people. (Laughter.) I believe that a Government can best be judged from its treatment of those who are its enemies; and whether a man is a political prisoner or a non-political prisoner, he has certainly violated, and very often, very rightly, some bad law of this Government, and so has got into trouble. I am sure that my Honourable friend, if he has not succeeded in that venture last year, will succeed this year. As Government seem to be co-operating with him fully in the passage of this Bill, I hope they will also co-operate with him in this particular matter. The supply of good tea is in itself the best propaganda that we can think of in favour of tea. It is a fact that in the poorer quarters of Calcutta and Bombay very bad tea is supplied. Very often tea leaves once used are used again. More often than not, water is over-boiled. These defects spoil the tea; and along with it, give a bad name for the tea propaganda itself. I am sure that my Honourable friend, Mr. Milligan, will accept this additional clause to his Bill and give effect to it in practice.

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

"That after sub-clause (b) of clause 4 of the Bill, the following new sub-clause be inserted :

'(c) It shall be incumbent on the Indian Tea Market Expansion Board to make, as a part of their propaganda in India, adequate arrangements for overseeing the tea shops in the various parts of India, and making sure that tea is properly brewed and supplied in a clean and proper manner particularly in the poorer quarters'."

Mr. K. Ahmed : I rise to congratulate my Honourable friend who has just spoken, at the same time I shall have to oppose his amendment and ask for a different kind of amendment altogether. From his speech it appears to me that he likes tea, he is very fond of it, not unlike my Honourable friend from Orissa, nor unlike my Honourable friend from Poona, Mr. Gadgil, they are also very fond of tea, and I know they are very fond of attending tea functions and free of cost teas are supplied at feasts. But many of them are prejudiced persons like my Honourable friend, Mr. Sri Prakasa, who had been to jail, and he wanted a nice cup of tea there every day. But I suppose that he was quartered in the Indian portion of the jail and not in the European portion, where tea is supplied. My Honourable friend from Poona does not like it, because they have political views and they say that they have got an aversion to it. But my Honourable friend, Mr. Sri Prakasa, who is an England returned man, a graduate of Oxford....

An Honourable Member : Of Cambridge, like you.

Mr. K. Ahmed : Anyhow, he was wanting tea and he has given a description in his speech. At the same time he requests that the tea may be supplied also for the benefit of similar people who go to jail to serve out their period of imprisonment. That being so, the wording of the amendment is such that it cannot be accepted because it goes against

the interests of the tea shopkeeper, it goes against the interests of those people from downstairs, the restaurant keeper from whom my Honourable friend gets a supply of tea every day probably. But he never objects that the tea is bad, he pays the bill in full, he never complains to the Secretary that beautiful tea suitable to his taste is not supplied. Well, Sir, I do not now remember the rhyme he had quoted in his speech otherwise I would have applied it. These people do not like to support Government when any Bill comes here for discussion, though it is for the benefit of the people of India and the constituency they represent.... (Interruption by Mr. Ram Narayan Singh).... of the people of Hazaribagh also. The representative of Hazaribagh comes here and opposes the Bill. But the labourers of the Hazaribagh are maintained, clothed and fed by these organisations of the tea planters, and my Honourable friends come here, and, instead of representing these men, misrepresent them. (Laughter.) Instead of doing good to their constituencies, they have done a great disservice to them. I ask Mr. Sri Prakasa not to move his amendment because it is not good for him or for anybody. I remember on previous occasions how many times he sought the protection and the permission of the Chair to withdraw his amendments. Instead of citing that beautiful poem which he studied in his school days and repeating them to me, may I utilise the same in support of my opposition. I hope that he will like a good man help the passing of this legislation. If he does that, I shall thank him very much.

The Honourable Sir Muhammad Zafrullah Khan : I have no doubt that this amendment has been moved with the object of drawing attention to this aspect of the question. If so, it has served its purpose. Otherwise it is open to several objections. It is no more than a pious hope and it has no sanction behind it and it would really not be within the scope of the Bill at all, because the Bill is not concerned with this kind of thing and in any case I am afraid it would require a cess of about Rs. 100 on 100 lbs. of tea to enable any association whatsoever to carry out the object of this amendment. Sir, I oppose it.

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

"That after sub-clause (b) of clause 4 of the Bill, the following new sub-clause be inserted :

'(c) It shall be incumbent on the Indian Tea Market Expansion Board to make, as a part of their propaganda in India, adequate arrangements for overseeing the tea shops in the various parts of India, and making sure that tea is properly brewed and supplied in a clean and proper manner particularly in the poorer quarters'."

The motion was negatived.

The Honourable Sir Muhammad Zafrullah Khan : Before you put clause 4, may I, with your permission, draw your attention to this, that amendment No. 23, which has been adopted by the House, seeks to add sub-clause (e) to sub-section (2) of the original Act. I am afraid, it does not fit in. If you would permit me, I would at this stage move a formal amendment. The amendment will run as follows :

"That after clause 4 of the Bill, the following clause be added and the subsequent clauses be re-numbered accordingly :

'5. After sub-section (2) of section 4 of the said Act, the following sub-section shall be inserted, namely,—

'(2a) The Executive Committee of the Board shall consist of nine members, of whom not less than three shall be Indians'."

Mr. President (The Honourable Sir Abdur Rahim) : Amendment No. 23, which has been adopted by the House, calls for, I understand, certain verbal alterations and if those alterations are made, it will read like this :

“ That after clause 4 of the Bill, the following clause be added and the subsequent clauses be re-numbered accordingly :

“ 5. After sub-section (2) of section 4 of the said Act, the following sub-section shall be inserted, namely,—

“(2a) The Executive Committee of the Board shall consist of nine members, of whom not less than three shall be Indians ”.

I take it that that represents the decision of the House.

Honourable Members : Yes, yes.

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

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

The motion was adopted.

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

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

“ That clause 5 stand part of the Bill.”

Mr. Akhil Chandra Datta : Sir, I move :

“ That in sub-clause (a) of clause 5 of the Bill, after the word ‘ tea ’ the words ‘ generally and especially Indian tea ’ be inserted.”

Sir, section 5, sub-section (2), of the existing Act reads as follows :

“ The said proceeds and any other moneys received by the Committee in this behalf shall be applied by the Committee towards meeting the cost of such measures as the Committee may consider it advisable to take for promoting the sale and increasing the consumption in India and elsewhere of teas produced in India.”

Sir, the material words of the existing Act are :

“ The consumption in India and elsewhere of teas produced in India.”

Now, Sir, in the Bill it is proposed to omit these words “ produced in India ”,—and for this reason, that there is an international propaganda which will carry it on, and therefore the propaganda will be with regard to not only for teas produced in India but also those produced in all other countries. My amendment is to this effect :

“ increasing the consumption.....of tea generally and especially Indian tea.”

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

“ That in sub-clause (a) of clause 5 of the Bill, after the word ‘ tea ’ the words ‘ generally and especially Indian tea ’ be inserted.”

The motion was adopted.

Pandit Nilakantha Das : Sir, I move :

“ That in clause 5 of the Bill, after sub-clause (a), the following new sub-clause be inserted, and the subsequent sub-clause be re-lettered accordingly :

“(b) The Board shall make adequate provision for preventing the sale for human consumption of any bad or adulterated tea in India.

Explanation.—Bad tea means any tea dust or sweepings which is not fit for human consumption, but fit for the purposes of manure, or for only extracting chemicals or colouring matter therefrom. Adulterated tea means tea mixed with dried and coloured tea leaves already used in making tea, as well as with other leaves dried and coloured for the purpose of mixing with tea leaves for the market.”

Sir, I may inform the House that in India in the tea markets leaves other than tea leaves are prepared and sold. There are factories for these leaves somewhere in Madras ; I wanted to ask some questions at short notice on this subject, but perhaps it was not possible for the Government to reply to those questions in time. There are certain factories where leaves other than tea leaves are dried, coloured and made just like tea leaves. Indeed very huge quantities are sold in the market by wholesale tea dealers, and retail-dealers go to them and say, “ give me fifty fifty ”, or “ twenty-five, seventy-five ”—in language which is only understood by the dealers, meaning fifty per cent. tea leaves mixed with fifty per cent. other leaves, etc., etc., as the case may be, and the wholesale dealers mix them up accordingly—that is the meaning. It is in that way that they make spurious tea and make it cheap for the Indian market. Now I should like the sale of such so-called tea to be prevented. Then, again, in cities and industrial centres like Jamshedpur I am informed that the tea leaves, after the tea is prepared, are strained out of the kettle and they are made to dry up, and those leaves are mixed up again with tea !

Mr. K. Ahmed : Buy Lipton's Blended Tea !

Mr. J. A. Milligan : Buy “ Sri Prakasa Blend ” !

Pandit Nilakantha Das : I am informed reliably that these are facts and those leaves are again coloured and mixed with good tea in the market,—in fact that is done I hear even in the blending firms too, and these mixed articles are palmed off in the market as good tea ! (Interruptions.)

Mr. President (The Honourable Sir Abdur Rahim) : Order, order.

Pandit Nilakantha Das : Firstly, then, there are leaves other than tea leaves, used, and there are factories for the same. Secondly, the tea leaves already used are mixed with other teas. Thirdly, in the tea gardens, sweepings and dust which are not meant for the tea market in this country are sent by the producers abroad—for it is a fact that there is no consumer of such teas in this country—for manuring purposes or extracting the colouring matter chemicals out of that, such as, tannic acid or other chemicals. Such tea is of course not fit for human consumption and contains a good deal of poison. That is my information. Such teas are not allowed to be sold in the market here, but they are sold to some middlemen for export to some foreign trade centres. These poisonous stuff are clandestinely sold in the markets for our poor people, and such teas are particularly, I am afraid, sold in very huge quantities, in my part of the country. So, a provision like this is very necessary. My Honourable friend, however, may say that this amendment is also something like a pious desire. But, as I said in my speech on the consideration of the Bill, my idea is that Government will be prepared to have some Act against tea adulteration and when that Act, which should come just in the wake of this Act, becomes effective, some responsibility will lie with the Board, so that no bad tea or this kind of mixed tea is sold in the Indian market. For the present, I hope, my Honourable friend, the Commerce Member will accept this clause and in order to implement this he will immediately bring in a Bill against the sale of bad or adulterated tea in the Indian market. With these words, I move my amendment.

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

" That in clause 5 of the Bill, after sub-clause (a), the following new sub-clause be inserted, and the subsequent sub-clause be re-lettered accordingly :

' (b) The Board shall make adequate provision for preventing the sale for human consumption of any bad or adulterated tea in India.

Explanation.—Bad tea means any tea dust or sweepings which is not fit for human consumption, but fit for the purposes of manure, or for only extracting chemicals or colouring matter therefrom. Adulterated tea means tea mixed with dried and coloured tea leaves already used in making tea, as well as with other leaves dried and coloured for the purpose of mixing with tea leaves for the market."

The Honourable Sir Muhammad Zafrullah Khan : Sir, I am sorry that I am unable to accept the amendment moved by the Honourable Member not for the reason that I am not concerned with the evil to which he has referred but for the reason that the Tea Expansion Board really could not do anything to put an end to this evil. As a matter of fact, statutory provision already exists laying down standards for tea in the various provinces. In every one of the provinces there is an Act designed to secure the purity of foodstuffs.

Pandit Nilakantha Das : But tea is not included in them.

The Honourable Sir Muhammad Zafrullah Khan : In rules made under every one of these Acts, standards for tea have been notified. I, therefore, oppose the amendment.

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

" That in clause 5 of the Bill, after sub-clause (a), the following new sub-clause be inserted, and the subsequent sub-clause be re-lettered accordingly :

' (b) The Board shall make adequate provision for preventing the sale for human consumption of any bad or adulterated tea in India.

Explanation.—Bad tea means any tea dust or sweepings which is not fit for human consumption, but fit for the purposes of manure, or for only extracting chemicals or colouring matter therefrom. Adulterated tea means tea mixed with dried and coloured tea leaves already used in making tea, as well as with other leaves dried and coloured for the purpose of mixing with tea leaves for the market."

The motion was negatived.

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

" That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

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

" That clause 6 stand part of the Bill."

Mr. Basanta Kumar Das : Sir, I want to move both the amendments standing in my name, namely, Nos. 43 and 44.

Mr. J. A. Milligan : May I point out to the Honourable Member that this amendment is consequential to a previous amendment which he withdrew and which related to the introduction of the principle of election.

Mr. Basanta Kumar Das : Amendment No. 43 is not consequential.

Mr. J. A. Milligan : It is not. I beg your pardon. I thought you were moving No. 44.

The Honourable Sir Muhammad Zafrullah Khan : But the name "The Indian Tea Market Expansion Board" has already been accepted by the House.

Mr. Basanta Kumar Das : I want to introduce the words 'if necessary'. My object is to provide that if the Governor General wants to make any minor change in the rules it is not necessary for him to consult the Board. Therefore, I have introduced the words 'if necessary' in order to provide that consultation of the Board would be optional with the Governor General in Council. Sir, I move :

" That clause 6 of the Bill be re-numbered as clause 6 (ii), and, before the clause, as so re-numbered, the following be inserted :

' In sub-section (1) of section 7 of the said Act, for the words 'Tea Cess Committee' the words 'The Indian Tea Market Expansion Board, if necessary' shall be substituted."

I have already explained the object of my amendment and I hope the Honourable the Commerce Member will accept it. It is a very minor change and it will lead to convenience.

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

" That clause 6 of the Bill be re-numbered as clause 6 (ii), and, before the clause, as so re-numbered, the following be inserted :

' In sub-section (1) of section 7 of the said Act, for the words 'Tea Cess Committee' the words 'The Indian Tea Market Expansion Board, if necessary' shall be substituted."

The Honourable Sir Muhammad Zafrullah Khan : Sir, I am unable to accept this amendment because all that section 7 (1) provides is that the Governor General in Council after consulting the Tea Cess Committee, which will now be called the Indian Tea Market Expansion Board, and after previous publication may make rules to carry out the purposes of this Act. After he has consulted the Board, he is not bound to accept the advice of the Board. Therefore, the addition of the words 'if necessary' will make no difference whatsoever.

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

" That clause 6 of the Bill be re-numbered as clause 6 (ii), and, before the clause, as so re-numbered, the following be inserted :

' In sub-section (1) of section 7 of the said Act, for the words 'Tea Cess Committee' the words 'The Indian Tea Market Expansion Board, if necessary' shall be substituted."

The motion was negatived.

Mr. Basanta Kumar Das : Sir, I move :

"That in clause 6 of the Bill, sub-clauses (a) and (b) be re-lettered as sub-clauses (b) and (c), and, before the sub-clauses, as so re-lettered, the following be inserted :

' (a) in clause (a)—

- (i) after the word 'nomination' the words 'election, recommendation' shall be inserted ;
- (ii) the word 'and' before the word 'appointment' shall be omitted ;
- (iii) after the word 'appointment' the words 'and retirement' shall be inserted ;
- (iv) for the word 'Committee' the words 'Board as provided for in section 4 of the Act' shall be substituted."

Now, if these words are placed in the original section, it would read thus :

"(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the nomination, election, recommendation, appointment and retirement of the members of the Committee, and the procedure of the Board."

Sir, my object is to make provision that the Governor General in Council will be entitled to make rules for recommendation for election and retirement of the "Indian Tea Marketing Expansion Board". Now, it would appear from the amendments that have been accepted, as for instance No. 15 that members of the Board are to be appointed on the recommendations of the Bengal Chamber of Commerce and some other bodies. I want to say, therefore, that the Governor General in Council will have power to frame rules which should be followed in making these recommendations. With regard to election, Honourable Members may ask that there is no word 'election' in any of the amendments. But I beg to draw the attention of the House to amendment No. 23 which says that the executive committee is to be formed. Who is to form the executive committee? The Tea Expansion Board has to do it and so they will have to elect their executive committee. Therefore the Governor General should have power to make rules for the election of the executive committee. Therefore I submit that this amendment is perfectly consequential to the amendments that have been already accepted.

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

"That in clause 6 of the Bill, sub-clauses (a) and (b) be re-lettered as sub-clauses (b) and (c), and, before the sub-clauses, as so re-lettered, the following be inserted :

' (a) in clause (a)—

- (i) after the word 'nomination' the words 'election, recommendation' shall be inserted ;
- (ii) the word 'and' before the word 'appointment' shall be omitted ;
- (iii) after the word 'appointment' the words 'and retirement' shall be inserted ;
- (iv) for the word 'Committee' the words 'Board as provided for in section 4 of the Act' shall be substituted."

The Honourable Sir Muhammad Zafrullah Khan : Sir, I beg to submit that the first three parts of the amendment are harmless and although they may be unnecessary I have no objection to them ; but the last part of the amendment, that is part (iv) which says that for the word

'committee' the words 'Board as provided for in section 4 of the Act' shall be substituted, that is already covered. Clause 8 of the Bill says :

"In the preamble and throughout the said Act, for the word 'Committee' and for the words 'Tea Cess Committee' wherever they occur the word 'Board' shall be substituted."

Clause (2) (c) has already defined a 'Board' as meaning the Indian Tea Market Expansion Board constituted under section 4. Therefore that portion of the amendment is redundant and a mere duplication. With regard to the first three parts, I am indifferent. If the Honourable Member thinks that the rule making power of the Governor General should be enlarged in the manner suggested by him I have no objection.

Mr. Basanta Kumar Das : I am ready to delete part (iv).

Mr. President (The Honourable Sir Abdur Rahim) : I shall put the question deleting part (iv). The question is :

"That in clause 6 of the Bill, sub-clauses (a) and (b) be re-lettered as sub-clauses (b) and (c), and, before the sub-clauses, as so re-lettered, the following be inserted :

' (a) in clause (a)—

- (i) after the word 'nomination' the words 'election, recommendation' shall be inserted ;
- (ii) the word 'and' before the word 'appointment' shall be omitted ;
- (iii) after the word 'appointment' the words 'and retirement' shall be inserted."

The motion was adopted.

Pandit Nilakantha Das : Sir, I beg to move :

"That in sub-clause (b) of clause 6...."

The Honourable Sir Muhammad Zafrullah Khan : It has now become sub-clause (c).

Pandit Nilakantha Das : I beg to move :

"That in sub-clause (c) of clause 6 of the Bill, in the proposed clause (d), before the words 'tea industry' the word 'Indian' be inserted."

The Honourable Sir Muhammad Zafrullah Khan : I accept the amendment.

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

"That in sub-clause (c) of clause 6 of the Bill, in the proposed clause (d), before the words 'tea industry' the word 'Indian' be inserted."

The motion was adopted.

Mr. Akhil Chandra Datta : Sir, I beg to move :

"That in sub-clause (b) of clause 6 of the Bill, to the proposed clause (d) of sub-section (2) of section 7, the following proviso be added :

"Provided always that in any committee appointed out of India for administering the funds of the Board, such committee shall have direct representation of the Government of India and the Indian planting interest. Further provided always that such Committee be always responsible to the Board for the submission of details of expenditure and operations and further such operations outside India shall be directly inspected by the Board's representatives from time to time in each individual country such period shall not exceed three years in each instance."

I may state at once that I am not pressing this amendment. I am moving it only to invite the attention of the Government to the suggestions

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[Mr. Akhil Chandra Datta.]

I have made in the amendment. I want a specific assurance that the suggestions contained in the amendment would be given effect to as early as possible. Three things are recommended in the amendment. Firstly that India should be represented on those International Boards, secondly that the outside Committee should be responsible to the Indian committee for submission of details of expenditure and operation and thirdly that such operations outside India shall be primarily inspected by the Board's representative from time to time in each individual country. I shall be satisfied with an assurance that these suggestions would be given effect to. My request is perfectly in consonance with the suggestions made by the Indian Tea Association. On page 7 of their letter they say :

"For the purpose of promoting the sale and increasing the consumption of tea in other countries the Bureau may, at their discretion, allot moneys from the tea cess fund to be expended on projects under the direct administration and control of other representative bodies provided that the Bureau shall have approved of such projects and that the Bureau is represented on such bodies."

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

"That in sub-clause (b) of clause 6 of the Bill, to the proposed clause (d) of sub-section (2) of section 7, the following proviso be added :

"Provided always that in any committee appointed out of India for administering the funds of the Board, such committee shall have direct representation of the Government of India and the Indian planting interest. Further provided always that such Committee be always responsible to the Board for the submission of details of expenditure and operations and further such operations outside India shall be directly inspected by the Board's representatives from time to time in each individual country such period shall not exceed three years in each instance."

Mr. J. A. Milligan : Sir, I would like to point out to my Honourable friend the fact that the responsibility which is imposed by this Act on the new Board would make it impossible for them to contribute funds to any body which was not directly under them so that they could be relieved of that responsibility. The International Tea Market Expansion Board, as I explained this morning, is composed of three members from the Indian Tea Cess Committee, or as it will be the New Indian Tea Market Expansion Board, the Ceylon Tea Propaganda Board and the Amsterdam Tea Association and there is no suggestion or intention that any Committee would be set up empowered to spend the tea cess fund which was not composed partly at least of representatives of the Indian Tea Cess Committee.

Mr. Akhil Chandra Datta : In view of the assurance, I beg leave of the House to withdraw the amendment.

The amendment was, by leave of the Assembly, withdrawn.

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

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clauses 7 and 8 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Muhammad Zafrullah Khan : Sir, I beg to move :

"That the Bill further to amend the Indian Tea Cess Act, 1903, as amended, be passed."

Sir, at this stage I do not propose to make a speech except to express my sense of gratitude to the House, and particularly to those Members who are primarily concerned with the interests affected by the Bill, that they were able to come to an understanding with regard to the main features of the Bill which has enabled the House to pass it fairly expeditiously. Sir, I move.

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

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

Mr. Akhil Chandra Datta : Sir, I shall speak for half a minute. There is a great grievance with regard to this Bill against Mr. Milligan. We have been made to talk the whole day over tea but we have not yet received one single cup of tea. (Laughter.) Therefore, I warn him that we on this side of the House will oppose his Bill being passed unless he gives an assurance that he will give us a tea party. (Laughter.)

Dr. Ziauddin Ahmad : Sir, I congratulate Mr. Milligan and I will draw his attention to two points only. One was in connection with education. I will remind him of a story in America. Some persons made brass buttons which were exactly like the cent in America and there was an inscription on those brass buttons that they were not to be used in the slots of automatic machines but only as buttons. Of course the result was that they were extensively used in the automatic machines. So whenever tea is mentioned in any school text-book, you may take it for granted that people will be jolly glad to have tea. They would enjoy drinking it more than merely reading its account. There is one more thing to which I wish to draw attention. I think it was a very sensible suggestion that was made by Mr. Sri Prakasa that you ought to use the prisoners as your propagandists and Mr. Milligan should supply free tea to all prisoners and the object is that when they come out they will carry on your propaganda. But there is one difficulty in this proposal. According to the statement of Mr. Sri Prakasa, most visitors there are on their twentieth pilgrimage so that 20 prisoners are equivalent to one, you will have to supply 20 cups of tea in order to have one propagandist. I would have strongly supported his motion but for this drawback. Now, I congratulate Mr. Milligan and the Honourable the Commerce Member on their tact in piloting this Bill. I support the motion and I join the Deputy President in his remarks about tea-less assembly.

Mr. J. A. Milligan : Sir, I will not detain the House for more than a minute. In April 1935 when I thanked the Honourable the Commerce Member and the Members of this House for the help they gave in so speedily putting on the Statute-book the Tea Cess Amending Bill of 1935, my gratitude consisted largely of a lively sense of favours to come because at that time I indicated that we had another Bill coming shortly before the House. I now have much pleasure in expressing, on behalf of the tea industry and on my own behalf, my gratitude to the Honourable the

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[Mr. J. A. Milligan.]

Commerce Member and to his Secretary and also to the Members of this House for placing this Bill on the Statute-book and thereby enabling the new Indian Tea Market Expansion Board to proceed with its great work.

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

“ That the Bill, as amended, be passed.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 12th October, 1936.

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LEGISLATIVE ASSEMBLY.

Monday, 12th October, 1936.

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

QUESTIONS AND ANSWERS.

UNIFORMITY IN THE OFFICE HOURS IN THE CIVIL SECRETARIAT AND THE ARMY HEADQUARTERS.

1098. ***Prof. N. G. Ranga** (on behalf of Mr. C. N. Muthuranga Mudaliar) : Will Government be pleased to state :

- (a) whether it is a fact that office hours in the Civil Secretariat are from 10-30 A.M. to 4-30 P.M., on week days, except Saturdays ;
- (b) whether it is a fact that in the Army Headquarters the office hours are from 10 A.M. to 4 P.M., and if so, the reason for the distinction ; and
- (c) whether they are prepared to consider the desirability of introducing uniformity in the matter ?

The Honourable Sir Henry Craik : With your permission, Sir, I will answer questions Nos. 1098 and 1099 together. The question of office hours is, within limits, one for each Department to decide for itself, but generally the prescribed hours of work in the Secretariat are from 10-30 A.M. to 4-30 P.M. except on Saturdays when the hours are usually from 10-30 A.M. to 2 P.M. The office hours at Army Headquarters are from 10 A.M. to 4 P.M. except on Saturdays when the hours are usually from 10 A.M. to 1-30 P.M. Government do not see any necessity for introducing absolute uniformity in the matter.

Mr. Mohan Lal Saksena : May I understand that the time mentioned is standard time ?

The Honourable Sir Henry Craik : Yes.

Mr. K. Ahmed : Is there any chance that the Congress Party or my friend's constituency will be benefited in any way by putting this question ?

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

UNIFORMITY IN THE OFFICE HOURS OF THE SEVERAL GOVERNMENT OF INDIA DEPARTMENTS ON SATURDAYS.

†1099. *Prof. N. G. Ranga (on behalf of Mr. C. N. Muthuranga Mudaliar) : Will Government be pleased to state :

- (a) what the office hours are in the several departments of the Government of India on Saturdays ;
- (b) whether it is a fact that in some departments the hours are from 10-30 A.M. to 1-30 P.M., and in others from 10-30 A.M. to 2 P.M., and if so, the reason for the different hours ; and
- (c) whether they are prepared to consider the desirability of a uniform treatment in the matter ?

REPORT OF THE WHEELER COMMITTEE.

1100. *Prof. N. C. Ranga (on behalf of Mr. C. N. Muthuranga Mudaliar) : Will Government be pleased to state :

- (a) if it is a fact that the recommendations of the Wheeler Committee are under their consideration at present ;
- (b) whether they have any intention of publishing the report, and if so, when ;
- (c) whether it is a fact that they contemplate publishing the report together with their decision on the recommendations contained therein, and if so, the reason for this procedure ;
- (d) whether it is a fact that it is their intention to publish the report and their decision when the Assembly is not in Session ; if not, whether an opportunity will be given to the Assembly to consider the report so as to enable the Assembly to express its opinion on the matter ;
- (e) whether the decision that may be reached on the recommendations of the Committee will be that of the Government of India or that of the Secretary of State ; and
- (f) whether, and, if so, to what extent, the present Government of India or the Secretary of State could bind the successors of the present Government by any decision that may be reached now on the report ?

The Honourable Sir Henry Craik : (a), (b) and (c). I would refer the Honourable Member to the answer given to Mr. T. S. Avinashilingam Chettiar's question No. 51 on the 2nd September, 1936, and to the replies to the supplementary questions asked on that occasion.

(d) It is not likely that the report will be published during the present Session of the Assembly.

(e) The decision will be that of the Government of India, except where the sanction of the Secretary of State is required.

(f) The position will be precisely the same as in every other decision of the Government of India or the Secretary of State.

†For answer to this question, see answer to question No. 1098.

Prof. N. G. Ranga : Will an attempt be made to postpone the decision until an opportunity is given to the winter Session of the Assembly ?

The Honourable Sir Henry Craik : I think I have already answered that question. The answer is in the negative.

Mr. M. Ananthasayanam Ayyangar : When was the report submitted to the Government ?

The Honourable Sir Henry Craik : I have answered that too : it was submitted, as far as I remember, about March or April last.

DISCHARGE OF NINE DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS

1101. *Mr. Sham Lal : (a) Are Government prepared to redress the grievances of a body of civil servants or class of servants as stated by the Honourable the Finance Member in reply to the speech made by Sardar Sant Singh while moving an adjournment motion on the 25th February, 1936 ?

(b) If so, do Government propose to look into and redress the grievances of nine or more subordinate service officers of the Military Accounts Department (referred to in starred questions Nos. 781, 791, 796, 797 of the 22nd August, 1934) who were prematurely retired in September or October, 1933 ?

(c) Will Government please state how many of the superior service officers were similarly retired and how many of them were given extensions, with particulars of names and rates of pay ?

(d) Has the strength of the Military Accounts Department been reduced during these years among the clerical, accountants and subordinate service officers, and will Government please state why corresponding reduction was not made among the superior service officers ?

(e) Is it a fact that the Army Headquarters have taken special steps to find jobs for the retiring European Army officers, or have given them special concessions when they so retired prematurely ?

(f) Has similar action been taken for civilian officers in the Army or the Army Accounts retired like the ones referred to in the preceding part ?

(g) Do appeal rules framed by Government provide for open enquiries to be made in all cases in which officers are punished for neglect of duty, and are they entitled to full facilities to see the original records concerned ? If so, was this done in the case of the Military Accounts Department officers referred to in the preceding parts ?

(h) Were the appeal rules referred to above framed so as to save Government servants from unnecessary court expenses ?

The Honourable Sir James Grigg : (a) Government are always prepared to consider representations from their servants when they are put forward in the proper manner.

(b) The attention of the Honourable Member is invited to the replies given to Mr. Jagan Nath Agarwal's starred questions Nos. 781—791 on the 22nd of August, 1934, and to Bhai Parma Nand's starred questions Nos. 796 and 797 on the same date.

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(c) No Superior Service Officers were retired for inefficiency under Note 1 to Article 465 (a), C. S. R. As regards the second part of the question, in recent years only one officer has been given an extension of service.

(d) The answer to the first part of the question is in the affirmative. The cadre of Superior Service Officers for the Military Accounts Department was reduced as a measure of retrenchment from 59 to 53 posts. It was subsequently found that this reduction was too drastic and two of the posts reduced have since been revived. It will be realised that the reduction in ministerial and subordinate establishment does not necessarily result in a proportionate reduction of superior staff.

(e) I presume that the Honourable Member refers to the "War Block" Scheme and, if so, the answer is in the affirmative.

(f) No; but I would point out that the particular cases referred to by the Honourable Member relate not to retrenchments but to retirements for inefficiency.

(g) Departmental enquiries are held and every opportunity is given to the officer concerned to state his case. As regards the second part, I would refer the Honourable Member to my answers of the 22nd August, 1934.

(h) No question of court expenses arises.

PROVISION OF LATRINES IN THE PEONS' QUARTERS AT PUNCHKUIN ROAD, NEW DELHI.

1102. *Mr. D. K. Lahiri Chaudhury : (a) Are Government aware that they built small bath rooms in each peons' quarter at Punchkuin Road, New Delhi ?

(b) Is it a fact that the Peons' Association wrote a letter to Government, praying to build latrines in those quarters ?

(c) If the answer to the preceding part be in the affirmative, why did Government make bath rooms ?

(d) Do Government propose to build latrines in those quarters ? If not, why not ?

The Honourable Sir Frank Noyce : (a) No. Bathrooms are not provided. Only bathing platforms have been provided in the peons' quarters in New Delhi.

(b) No such representation has been received.

(c) Does not arise.

(d) No. Water-flushed latrines already exist for the convenience of the occupants of these quarters.

CONTRACT FOR THE SUPPLY OF RED OXIDE FOR RAILWAY WAGONS AND UNDERFRAMES.

1103. *Mr. Anugrah Narayan Sinha : (a) Is it a fact that samples in respect of supplementary tender No. 7344 were required to reach the Government Test House by not later than the 25th November, 1935 ?

(b) Is it a fact that Messrs. Jenson & Nicholson did not submit their samples to the Government Test House within the specified date ? If so, will Government be pleased to state the date or dates on which the samples in question were actually submitted by the said firm to the Government Test House ?

(c) Is it a fact that on the 5th December, 1935, the Railway Board decided to purchase the Readymixed Red oxide paint from the European group—Messrs. Jenson & Nicholson and Shalimar Paint Works—long before their samples were reported on by the Government Test House ?

(d) Is it a fact that the samples submitted by Messrs. Shalimar Paint Works against supplementary tender No. 7344 differed in some cases from the actual supplies furnished to the East Indian Railway for trials carried out by Mr. T. G. Creighton at Lillooah ?

(e) Will Government be pleased to state in what respects the same differed ?

(f) Will Government be pleased to state whether the contract for the supply of Red Oxide Paint for wagons and underframes during 1936-37 awarded to Messrs. Jenson & Nicholson and Messrs. Shalimar Paint Works, was based on the samples tried by Mr. T. G. Creighton at Lillooah or the standard samples submitted by the firms to the Government Test House against the supplementary tender No. M-7344 ?

(g) Is it a fact that the contracts for the supply of Red Oxide stiff paint were awarded to Messrs. Jenson & Nicholson and Messrs. Shalimar Paint Works in April, 1936, prior to the Government Test House Report on their samples against the supplementary tender ? If not, will Government be pleased to state the date when the Indian Stores Department actually received the Test Report on the samples in question ?

The Honourable Sir Frank Noyce : With your permission, Sir, I propose to reply to questions Nos. 1103 and 1104 together.

Information has been called for and replies will be placed on the table of the House in due course.

TENDER FOR THE SUPPLY OF INSIDE BODY VARNISH APPROVED BY THE EAST INDIAN RAILWAY.

1104. *Mr. Anugrah Narayan Sinha : (a) Is it a fact that the Indian Stores Department invited tender No. H-6040 for the supply of inside body varnish against the Indian Stores Department specification and standard sample which stipulates that the varnish must be free from resin ?

(b) With reference to the reply to part (b) of starred question No. 1019, given on the 9th March, 1936, will Government be pleased to state whether any tender for the sample of inside body varnish approved by the East India Railway, was invited in accordance with the rules for the purchase of stores by the Indian Stores Department ? If not, why not ?

(c) If the answer to part (b) be in the negative, will Government be pleased to state how the Indian Stores Department placed the contract

†For answer to this question, see answer to question No. 1103.

non-Muslim staff only? If so, do Government propose to reserve another square such as Foch Square for their Muslim non-migratory staff, if no quarters can be given to them out of the above squares?

The Honourable Sir Frank Noyce : (a) The orthodox clerks' quarters near the Gol Market, New Delhi, are allotted both to the non-migratory and migratory staff. Government are not aware that this arrangement leads to any trouble or inconvenience to the non-migratory staff.

(b) No. Communal considerations do not enter into the question of the allotment of quarters, and Government do not propose to take the action suggested by the Honourable Member.

SPEECHES OF MEMBERS OF GOVERNMENT AGAINST THE POLICY OF THE GOVERNMENT IN THEIR PERSONAL CAPACITY.

1109. ***Mr. M. Ananthasayanam Ayyangar** (on behalf of Mr. S. Satyamurti) : Will the Honourable the Leader of the House be pleased to state :

(a) whether the attention of Government has been drawn to the speeches of the Honourable the Finance Member on several occasions against the policy of protection adopted by the Government of India ;

(b) whether their attention has been drawn to the questions and answers on this matter in the House on Friday, the 4th September, 1936, in the course of which the Honourable the Finance Member said that these speeches were made by him in his personal capacity ;

(c) whether Government realise the danger of Members of Government speaking against the policy of the Government even in their personal capacity ; and

(d) whether Government propose to issue any orders in this matter, so as to secure uniformity of policy on the part of the Government and of their Members ?

The Honourable Sir Frank Noyce : (a) and (c). Do not arise as neither the Honourable the Finance Member or any other Member of Government has spoken against the policy of Government either in a personal capacity or otherwise.

(b) The Honourable Member has misquoted the Honourable the Finance Member.

(d) No.

Mr. M. Ananthasayanam Ayyangar : Is the Honourable the present Leader of the House aware that the Finance Member spoke against the policy of the Government regarding protection in.....?

Mr. President (The Honourable Sir Abdur Rahim) : That has been answered before.

The Honourable Sir James Grigg : That is completely untrue.

Mr. M. Ananthasayanam Ayyangar : I submit, Sir, that the Honourable Sir Frank Noyce said just now that the Government are not aware that the Honourable the Finance Member made any speech at all as mentioned in the question : may I not ask.....?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable the Finance Member has already said that he has accepted the policy of protection.

Mr. M. Ananthasayanam Ayyangar : But can I not point out that the answer given by the Government to this question is wrong?

Mr. President (The Honourable Sir Abdur Rahim) : The question was whether the Finance Member had spoken against the policy of protection and the answer was that he had not.

FREEDOM OF SPEECHES TO THE MEMBERS OF THE LEGISLATIVE ASSEMBLY IN THEIR CONSTITUENCIES.

1110. ***Mr. M. Ananthasayanam Ayyangar** (on behalf of Mr. S. Satyamurti) : Will Government be pleased to state :

(a) whether their attention has been drawn to the orders on Mr. Amarendra Nath Chattopadhyaya, M.L.A., passed by a District Magistrate in Bengal, prohibiting him from addressing public meetings in connection with the Local Self-Government Act ;

(b) whether they have considered or propose to consider the question of affording freedom of speech to Members of this House in their constituencies ; and

(c) whether they propose to lay down any rules in this matter for the guidance of Local Governments and of District Magistrates, and, if not, why not ?

The Honourable Sir Henry Craik : (a) Yes.

(b) and (c). The legal position is perfectly clear and well known. Outside the House the speeches of a Member are not privileged. In regard to his speeches and actions whether in his constituency or elsewhere, the laws which apply to the public generally apply to him also. The Government of India see no necessity for the issue of any instructions.

Prof. N. G. Ranga : Is it then the policy of the Government of India to take no action at all to prevent their local officers from prohibiting Members of this Assembly from addressing their constituents even in regard to local self-government institutions ?

The Honourable Sir Henry Craik : I have nothing to add to what I have said already : the law is perfectly clear.

Prof. N. G. Ranga : Will Government be at least prepared to consider the advisability of issuing instructions to Local Governments to try to be as sparing as possible in their utilisation of the repressive laws as far as Members of the Assembly are concerned ?

The Honourable Sir Henry Craik : No : no distinction can be made between a Member of the Assembly and any one else.

Mr. Mohan Lal Saksena : In view of the forthcoming elections, will the Honourable Member issue instructions that Members of the Assembly should not be prevented from addressing their constituencies ?

No. H-6040/10, dated the 5th March, 1930 with Messrs. Jenson & Nicholson for the special quality of varnish ?

(d) Are Government aware that the supply of the varnish—body hard, drying inside—supplied against the contract, was found by the Government Test House to be a rosin varnish, rosin was partially in the free state and partially in the form of calcium rosinate and reported to give a brittle film and rejected as unsuitable for use as an inside body varnish ?

(e) Is it a fact that the same varnish rejected by the Government Test House was accepted and paid for, as the supply conformed to the East Indian Railway special sample which was brittle and far inferior to the quality for which the original tender was called for ?

(f) Is it a fact that according to the rules for the submission of tenders a contract is liable to be cancelled and a fresh tender is to be invited for the actual stuff required as per special approved samples in case where the Indian Stores Department specification is not available ?

(g) Is it a fact that, according to the rules for the submission of tenders, a contract is liable to be cancelled and the tenderer held responsible for the breach of contract if the supply is not according to the specification in the tenders ? If so, why was this rule not applied in the case of the supply of this inside varnish by the European firm, Messrs. Jenson & Nicholson—the successful tenderer ?

(h) Are Government aware that there are several other cases in which particular European tenderers were allowed to supply materials which were not according to the Indian Stores Department specifications mentioned in the tenders of the successful tenderers, and in whose favour the specifications were changed by the Indian Stores Department without calling for fresh tenders ? If not, do Government propose to enquire into such cases and lay a copy of the result of such enquiries on the table of this House ? If not, why not ?

INTERFERENCE BY THE RAILWAY BOARD IN THE MATTER OF PURCHASE OF THE RED OXIDE PAINT.

105. *Mr. Anugrah Narayan Sinha : (a) Will Government be pleased to state if in the matter of purchase of stores, the Railway Board has ever had the occasion to dictate the placing of a contract on behalf of the Indian Stores Department with a particular firm for supply of paints ?

(b) If so, is it a fact that the particular firm on whose behalf the Railway Board interfered, happened to be Europeans, namely, Messrs. Jenson & Nicholson ?

(c) Is it a fact that the decision to purchase the Red Oxide Paint under supplementary tender No. M-7344 from Messrs. Jenson & Nicholson, was arrived at at a meeting of the Railway Board on the 5th December, 1935, while the actual test of samples of the said Red Oxide Paint was carried out long after that by Mr. T. G. Creighton on the 10th April, 1936 at Lillooah ?

(d) Will Government be pleased to state if the testing of samples taking place long after the decision on the tender was ever committed by

the Indian Stores Department ? If so, will Government be pleased to state instances ?

(e) If the reply to part (d) be in the negative, will Government be pleased to state the reasons for the Railway Board interfering with the principles and procedure so far followed by the Indian Stores Department in the matter of purchase for the public service ?

The Honourable Sir Frank Noyce : (a) No.

(b) The question does not arise.

(c) No.

(d) The answer to the first part of the question is in the negative. The second part does not arise.

(e) In view of the reply to parts (a) and (c) of the question, this question does not arise.

RAILWAY CONCESSION FOR TRANSPORT OF FOOD AND FODDER TO THE FAMINE-STRICKEN AREAS IN THE JHALOD TALUKA AND PACHMAHAL DISTRICT.

1106. *Prof. N. G. Ranga : Will Government be pleased to state whether any railway transport concessions had been extended for the cheaper or free transport of food and fodder to the famine-stricken area in the Jhalod Taluka and other areas of Pachmahal's District ?

Sir Girja Shankar Bajpai : With your permission, Sir, I propose to answer questions Nos. 1106 and 1107 together.

It would appear from the Local Government's communiqué published on the 7th September, that reduced rates for the transport of fodder by rail have been arranged by the Government of Bombay to relieve the distress prevailing in certain districts.

RAILWAY CONCESSION FOR TRANSPORT OF FODDER TO THE FAMINE-STRICKEN AREAS IN GUZERAT AND MAHARASHTRA.

†1107. *Prof. N. G. Ranga : Will Government be pleased to state whether any railway concessions has been offered for the cheaper or free transport of fodder to the famine-stricken areas in Guzerat and Maharashtra ?

ALLOTMENT OF QUARTERS NEAR GOL MARKET, NEW DELHI, TO NON-MIGRATORY STAFF.

1108. *Khan Bahadur Shaikh Fazl-i-Haq Piracha : (a) Is it a fact that the orthodox clerks' quarters near Gol Market are not permanently allotted to the non-migratory staff, and are allotted to the migratory staff of the Government of India ? If so, do Government propose to consider the trouble and inconvenience of their non-migratory staff in this respect and take any steps in the matter ?

(b) Is it a fact that the quarters around the Gol Market, viz., Pershing, Edwards, Jofferee, and Diaz Squares, which are practically reserved for the non-migratory staff of the Government of India, are totally allotted to

†For answer to this question, see answer to question No. 1106.

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The Honourable Sir Henry Craik : I have already said that the Government of India see no necessity for the issue of any instructions.

Mr. Mohan Lal Saksena : In view of this order against Mr. Amarendra Nath Chattopadhyaya, is it not necessary that instructions should be issued to Local Governments that while action may be taken against him if he commits a breach of the law, he should not be prevented from addressing his constituents ?

Mr. President (The Honourable Sir Abdur Rahim) : That is arguing.

SITUATION ARISING OUT OF THE CLOSING OF THE AHMEDABAD MILLS.

1111. ***Mr. M. Ananthasayanam Ayyangar :** (a) Has the attention of Government been drawn to an article headed ' Serious position facing Ahmedabad Mills ' in the *Hindustan Times* of September 5, 1936 ?

(b) Are Government aware that a serious situation has arisen in the Ahmedabad Mills and the Mill-Owners' Association is contemplating closing the mills for some days ?

(c) Are Government aware that these mills have reduced the wages of labourers ?

(d) Are Government aware that this situation is a direct consequence of the lowering of the import duty on British textiles ? If not, what is the cause ?

(e) Do Government propose to take immediate steps to restore the import duties on British goods to their old level ?

The Honourable Sir Frank Noyce : (a) I have seen the article referred to.

(b) and (c). Government are aware that the Ahmedabad Mill-owners' Association has addressed a letter to the Textile Labour Association stating that there is a danger of a number of mills being obliged to close down unless a wage-cut of 20 per cent. in the present scale of wages is introduced.

(d) No. The letter to which I have just referred, as published in the press, does not mention the lowering of the import duty as a reason for their proposal to reduce wages but justifies it by the assertion that the Ahmedabad textile industry has been in a critical position more particularly in the last year and a half due to competition from old established centres, like Bombay, where wages are lower and marketing and other facilities better, and to the growth of textile mills at new centres which have affected Ahmedabad's markets and the level of prices.

(e) Does not arise.

Prof. N. G. Ranga : What steps are being taken by the Government of India to prevent any serious outbreak of strike as a result of lowering of wages in Ahmedabad ?

The Honourable Sir Frank Noyce : I understand that the matter is under negotiation between the Ahmedabad Millowners' and the Textile Labour Associations. The Labour Association is, I believe, a strong body ; and the matter, at the moment, had best be left to the ordinary

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course of negotiations. In any case the matter is one for the Government of Bombay rather than for the Government of India.

Prof. N. G. Ranga : Are Government aware of the fact that Mahatma Gandhi who is the President of the permanent Arbitration Committee between the labourers and the employers has almost expressed his inability to settle this matter owing to the continuous refusal of the mill-owners to withdraw their proposals for lowering the wages ?

The Honourable Sir Frank Noyce : I have no information beyond that I have already given in reply to the question.

PERMISSION TO MR. GANDHI TO VISIT MR. SUBHASH CHANDRA BOSE.

1112. ***Mr. Amarendra Nath Chattopadhyaya :** (a) Will Government be pleased to state if it is a fact that Mahatma Gandhi has moved Government for permission to interview Mr. Subhash Chandra Bose ?

(b) Will Government be pleased to state if it is a fact that Mahatma Gandhi has given Government to understand that he would restrict this said interview to non-political matters only ?

(c) If the replies to the preceding parts be in the affirmative, will Government be pleased to state when the permission for interview will be given to Mahatma Gandhi ?

The Honourable Sir Henry Craik : (a) No.

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

Mr. Mohan Lal Saksena : Is it a fact that Mahatma Gandhi had written to the Government asking for permission to write to Mr. Subhash Chandra Bose ?

The Honourable Sir Henry Craik : No. Not so far as I am aware.

Pandit Lakshmi Kanta Maitra : Am I to understand that the Honourable Member's attention has not been drawn to the reports in the press that Mahatma Gandhi wanted to correspond with Mr. Subhash Chandra Bose on purely non-political matters ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has already answered that no permission was asked for by Mahatma Gandhi. Next question.

ALLEGED SUPPRESSION OF A LETTER WRITTEN BY PANDIT JAWAHARLAL NEHRU TO MR. SUBHASH CHANDRA BOSE.

1113. ***Mr. Amarendra Nath Chattopadhyaya :** Will Government be pleased to state if it is a fact that a letter written by Pandit Jawaharlal Nehru to Babu Subhash Chandra Bose has been suppressed ? If so, why ?

The Honourable Sir Henry Craik : Yes, because under the rules under which Mr. Bose is detained correspondence on political matters is not permitted.

Pandit Lakshmi Kanta Maitra : Did the Honourable Member enquire whether the contents of this letter addressed by Pandit Jawaharlal Nehru to Mr. Subhash Chandra Bose contained political discussions or political matters ?

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The Honourable Sir Henry Craik : Yes. I did enquire and it did refer to such matters.

Mr. Mohan Lal Saksena : Did the Honourable Member see the letter himself ?

The Honourable Sir Henry Craik : No. I have not seen the actual letter.

Mr. Mohan Lal Saksena : Did the Honourable Member send for it and satisfy himself ?

The Honourable Sir Henry Craik : No, but I am aware of the contents.

Mr. Lalchand Navalrai : May I know from the Honourable Member if people are forbidden to write to these political prisoners in any case ?

The Honourable Sir Henry Craik : I do not know what the Honourable Member means exactly by in any case. All letters of State Prisoners are subject to censorship.

Mr. Lalchand Navalrai : If they do not contain anything of politics are they allowed or not ?

Mr. President (The Honourable Sir Abdur Rahim) : That is a hypothetical question.

The Honourable Sir Henry Craik : That hardly arises out of this question, but if a letter does not contain political matters or anything objectionable, it would be passed.

Mr. Mohan Lal Saksena : Was the letter wholly political ?

The Honourable Sir Henry Craik : Yes.

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

INDIAN STORES DEPARTMENT CONTRACT FOR CARBON BLACK READY MIXED PAINT.

1114. ***Pandit Lakshmi Kanta Maitra :** (a) Is it a fact that the Indian Stores Department placed contract No. M-6470 with Messrs. Jenson and Nicholson for three per cent. Carbon Black Ready Mixed Paint, for which a forecast was given for 35,000 gallons to be supplied to the East Indian Railway during 1935-36 ?

(b) Is it a fact that the quantity indicated in the forecast was since increased by about 200 per cent. during the course of the year as follows :

40,000 gallons in May, 1935 and 20,000 gallons in August, 1935 ?
(c) Is it also a fact that the paints were supplied by Messrs. Jenson and Nicholson as per Orders detailed below :

	Gallons.
Order No. 31198 SP LLH of 15-5-35 ..	18,000
Order No. 31245 SP LLH of 29-5-35 ..	10,000
Order No. 35306 SP LLH of 12-6-35 ..	24,000
Order No. 35792 SP LLH of 23-8-35 ..	23,000
Order No. 44472 SP LLH of 10-12-35 ..	20,000
	95,000

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(d) Is it a fact that in spite of this huge increase in quantity, no fresh quotations were invited and the contractors, who happened in this case to be a European concern, were allowed to supply the paints at the original rates ?

The Honourable Sir Frank Noyce : With your permission, Sir, I propose to reply to questions Nos. 1114 and 1115 together.

Information has been called for and replies will be placed on the table of the House in due course. May I add for the information of the Honourable Member that I will endeavour to place this information as well as the information asked for in a series of other questions on the subject, on the table of the House before the end of the Session, though I cannot give a definite promise to that effect.

INDIAN STORES DEPARTMENT CONTRACT FOR CARBON BLACK READY MIXED PAINT.

1115. ***Pandit Lakshmi Kanta Maitra :** (a) Is it a fact that Messrs. Murarka Paint and Varnish Works, Limited, was also under contract No. M-6470|6 called upon to supply 25,000 gallons of Muraco Special Black ?

(b) Will Government be pleased to state if an additional quantity of 20,000 gallons of the same paint was purchased from the same Indian manufacturers, Messrs. Murarka Paint and Varnish Works, Limited, at the reduced rate of annas four less per gallon on a fresh quotation ?

(c) Is it a fact that the Indian Stores Department placed with Messrs. Murarka Paint and Varnish Works, Limited, Contract No. 2135 Item No. 13 for Paint Red Oxide Stiff (I. S. D. Specification No. G|O, P 118) "for those who demand" during 1933-34 and gave a forecast of 3,000 hundred-weights required for the North Western Railway ?

(d) Is it a fact that after the quantity indicated in the said forecast had been purchased, an additional quantity of 1,000 hundred-weights only was required for the North Western Railway, but the Indian Stores Department, without placing the order against the contract held already by the Murarkas, invited fresh quotations in November, 1933 and made fresh arrangements with other parties for the supply of the extra quantity in question ?

(e) Will Government be pleased to state if any such supplementary tenders for the supply of paints for which European firms held rate contracts, were ever called so long as the contracts were in force ?

(f) If the reply to part (e) be in the affirmative, will Government be pleased to state the number and details of such cases with the names of the European companies concerned ?

(g) If the reply to part (e) be in the negative, will Government be pleased to state the reasons for calling such fresh tenders only when purely Indian manufacturers are concerned ?

†For answer to this question, see answer to question No. 1114.

(h) Are Government aware that there have been several such cases of differential treatment on racial basis in the matter of distribution of tenders by the Indian Stores Department, and the purely Indian manufacturers have in such cases invariably been the sufferers?

(i) If the reply to part (h) be in the affirmative, what action do Government propose to take for putting a stop to such racial discriminations?

(j) If the reply to part (h) be in the negative, are Government prepared to enquire into the matter and lay the report of such enquiry on the table of this House? If not, why not?

POSTAL OFFICIALS STATIONED AT JALPAIGURI.

1116. ***Mr. D. K. Lahiri Chaudhury** : Will Government please lay on the table of this House a statement of the postal officials stationed at Jalpaiguri who have rendered more than five years service in that station, showing against each name his length of service in Jalpaiguri?

The Honourable Sir Frank Noyce : Government have no information and do not propose to call for it as its collection would involve an undue expenditure of time and labour.

REPRESENTATION MADE ON BEHALF OF THE BRAHMINS OF THE UNITED PROVINCES BY THE BRAHMIN SABHA, FEROEZPUR.

1117. ***Mr. Mohan Lal Saksena** : (a) Have Government received any representation made on behalf of the Brahmins of the United Provinces by the Brahmin Sabha, Ferozepur? If so, what action has been taken thereon?

(b) Is it a fact that Garhwali Brahmins and Kabir Panthi Dogras were also classified as "incorrect classes" along with the United Provinces Brahmins?

(c) Is it a fact that on representations made subsequently they were granted certain concessions in the matter of pay and other rights? If so, will Government please state what those concessions were, and are they prepared to consider the advisability of allowing similar concessions to the United Provinces Brahmins?

Mr. G. R. F. Tottenham : (a) Government received the representation mentioned by the Honourable Member. In reply they informed the Secretary, Brahmin Sabha, Ferozepore, on the 27th July, 1936, that the United Provinces Brahmins employed in the Indian Army Ordnance Corps were not invidiously disqualified for promotion. They were given the same treatment as other classes who did not fit into the class composition authorised for Indian other ranks of the Indian Army Ordnance Corps. Those who had completed their original contract of four years were eligible to take their discharge if they were not satisfied with their present conditions.

(b) Yes.

(c) No. All Indian other ranks who did not fit into the authorised class composition were treated alike.

EFFECT OF THE SEPARATION OF BURMA ON THE DEFENCE EXPENDITURE.

1118. ***Mr. T. S. Avinashilingam Chettiar** : Will Government state :

- what will be the effect of the separation of Burma on the Defence expenditure ;
- whether they have prepared estimates for the next year, having in view the separation of Burma next year ; and
- if so, how does the next year's estimate compare with that of previous years ?

The Honourable Sir James Grigg : (a) Defence estimates for Burma are under preparation and until they are completed the exact effect of the separation of Burma on Defence expenditure cannot be stated.

(b) The budget estimates for the next year have not yet been prepared.

(c) Does not arise.

POST OF THE PRIVATE SECRETARY TO THE FINANCE MEMBER.

1119. ***Mr. T. S. Avinashilingam Chettiar** : Will Government state :

- whether there is at present a Private Secretary to the Finance Member ;
- when the post was created ;
- whether besides this the Finance Member has a personal assistant as well as a stenographer ; and
- what are the financial commitments in the creation of this post ?

The Honourable Sir James Grigg : (a) Yes.

(b) On the 23rd of October, 1935.

(c) Yes.

(d) It is a temporary post carrying pay on the senior time-scale of the Indian Civil Service plus special pay of Rs. 300 per mensem.

DEPUTATION OF SIR ERIC MIEVILLE TO ENGLAND TO STUDY THE CABINET SYSTEM.

1120. ***Mr. T. S. Avinashilingam Chettiar** : Will Government state :

- whether Sir Eric Mieville was sent to England to study the cabinet system ;
- what expenses were incurred on that account ;
- whether he has submitted his report ; and
- whether a copy of the report will be put in the Library ?

The Honourable Sir Henry Craik : I would refer the Honourable Member to the reply I gave to Mr. Satyamurti's starred question No. 41 on the 16th September, 1935, and to the Honourable Member's supplementary questions asked in connection with question No. 512 on the 18th September, 1936.

INTERMEDIATE CLASS PASSENGERS TRAVELLING FROM HOWRAH TO BURDWAN
AND *vice versa*.

1121. *Pandit Nilakantha Das : (a) Is it a fact that intermediate class passengers travelling from Howrah to Burdwan and *vice versa* were allowed to travel by all express trains except 7-Up ?

(b) If so, will Government be pleased to state whether that facility has been withdrawn since last April ?

(c) Is it a fact that it has caused great inconvenience to the people of Burdwan, and representations were made to the Financial Commissioner for Railways and the Agent, East Indian Railway ?

(d) If so, will Government be pleased to state what action, if any, has been taken in the matter ?

(e) Is it a fact that intermediate class passengers are allowed to travel from Howrah and Ondal ?

(f) If so, what is the reason for depriving a large town like Burdwan of the same facility ?

(g) Is it a fact that Ondal is a small village and very few people are benefited by it ?

(h) Is it a fact that the number of intermediate class passengers from Howrah to Burdwan and *vice versa* has been considerably reduced owing to these restrictions ?

(i) Is it a fact that more people are now travelling by third class between Howrah and Burdwan and *vice versa* than formerly ?

(j) Is it a fact that Burdwan is a long way off from Howrah and is not a suburb of Calcutta or Howrah ?

(k) If so, will Government be pleased to state the reason for treating a big town like Burdwan as a suburb ?

The Honourable Sir Muhammad Zafrullah Khan : (a), (b) and (e). Yes.

(c) I am prepared to take it from the Honourable Member that a certain amount of inconvenience has been caused.

(d) and (f). The Agent, East Indian Railway, states that a relaxation of the restriction would inconvenience long distance passengers.

(g) Ondal station serves a large industrial area and trains are full to capacity up to Ondal.

(h) and (i). Definite information is not readily available but it is possible that a number of passengers who previously purchased intermediate class tickets by express trains may now be travelling third class by other trains.

(j) Yes.

(k) To give Burdwan the frequent and rapid services which traffic requirements call for.

MEMORIAL OF THE FIRST GRADE PLEADERS OF THE CENTRAL PROVINCES
AND BERAR AGAINST PAYMENT OF A CERTAIN STAMP DUTY.

1122. *Mr. Amarendra Nath Chattopadhyaya (on behalf of Mr. M. S. Aney) : (a) Are Government aware of the fact that under the rules proposed by the Judicial Commissioner at Nagpur for submission to the High Court, and first published in the Central Provinces Gazette, dated the 4th October, 1935, and then subsequently promulgated by the Honourable Judges of the High Court of Judicature at Nagpur, sometime in January 1936 after its establishment, the class of first grade pleaders who were entitled to practise in the Judicial Commissioner's Court at Nagpur was abolished and an option was given to them to enrol themselves as advocates of the High Court on payment of Rs. 500 as stamp duty under the Indian Stamp Act or to remain on the roll of district pleaders ?

(b) Will Government be pleased to state whether any memorial was submitted to His Excellency the Governor General in Council on behalf of the first grade pleaders of the Central Provinces and Berar against the above rules, praying specifically for concessions by way of remission and reduction of stamp duty in their case for being enrolled as advocates of the High Court of Nagpur just in the same way as Government had done in the case of the first grade practitioners in the Punjab and Sind under Notifications mentioned below :

(i) Finance Department (Central Revenues) Notification Stamp Simla, the 12th September, 1931 No. 6 ;

(ii) Finance Department (Central Revenues) Notification Stamp New Delhi, the 30th March, 1935, No. 8 ; and

(iii) Finance Department (Central Revenues) Notification Stamp New Delhi, the 18th February, 1936, No. 4.

(c) Will Government be pleased to state when this memorial was considered, and with what result ?

(d) Will Government be pleased to place on the table a copy of the order passed thereon ?

The Honourable Sir James Grigg : I will answer questions Nos. 1122—1125 together.

I have already explained to the Honourable Member that is the gentleman in whose name the questions are and apologised for the fact that, owing to my preoccupation with the Finance Bill and other matters, I had inadvertently treated him in this matter with less courtesy than he was entitled to expect from me. That apology I now repeat.

As regards the merits of the question, I have to say that the decision of the Governor General in Council was based on the recommendation of the Government of the Central Provinces and on the result of the discussion which took place in the Central Provinces Legislative Council on the 24th January, 1936. In my view it is entirely anomalous that the Government of India should have any *locus standi* in this matter and I am certainly not prepared to override the views of the Government and Legislature of the Central Provinces.

[12TH OCT. 1936.]

INTERMEDIATE CLASS PASSENGERS TRAVELLING FROM HOWRAH TO BURDWAN
AND *vice versa*.

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(c) Is it a fact that it has caused great inconvenience to the people of Burdwan, and representations were made to the Financial Commissioner for Railways and the Agent, East Indian Railway ?

(d) If so, will Government be pleased to state what action, if any, has been taken in the matter ?

(e) Is it a fact that intermediate class passengers are allowed to travel from Howrah and Ondal ?

(f) If so, what is the reason for depriving a large town like Burdwan of the same facility ?

(g) Is it a fact that Ondal is a small village and very few people are benefited by it ?

(h) Is it a fact that the number of intermediate class passengers from Howrah to Burdwan and *vice versa* has been considerably reduced owing to these restrictions ?

(i) Is it a fact that more people are now travelling by third class between Howrah and Burdwan and *vice versa* than formerly ?

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(g) Ondal station serves a large industrial area and trains are full to capacity up to Ondal.

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(j) Yes.

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MEMORIAL OF THE FIRST GRADE PLEADERS OF THE CENTRAL PROVINCES
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(b) Will Government be pleased to state whether any memorial was submitted to His Excellency the Governor General in Council on behalf of the first grade pleaders of the Central Provinces and Berar against the above rules, praying specifically for concessions by way of remission and reduction of stamp duty in their case for being enrolled as advocates of the High Court of Nagpur just in the same way as Government had done in the case of the first grade practitioners in the Punjab and Sind under Notifications mentioned below :

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The Honourable Sir James Grigg : I will answer questions Nos. 1122—1125 together.

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As regards the merits of the question, I have to say that the decision of the Governor General in Council was based on the recommendation of the Government of the Central Provinces and on the result of the discussion which took place in the Central Provinces Legislative Council on the 24th January, 1936. In my view it is entirely anomalous that the Government of India should have any *locus standi* in this matter and I am certainly not prepared to override the views of the Government and Legislature of the Central Provinces.

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[12TH OCT. 1936.]

Mr. M. Ananthasayanam Ayyangar : Was it pointed out in the Legislature of the Central Provinces that concessions in stamp duty were given in the case of the Punjab and Sind ?

The Honourable Sir James Grigg : I have nothing to add to the answer I have given.

MEMORIAL OF THE FIRST GRADE PLEADERS OF THE CENTRAL PROVINCES AND BERAR AGAINST PAYMENT OF A CERTAIN STAMP DUTY

†1123. ***Mr. Amarendra Nath Chattopadhyaya** (on behalf of Mr. M. S. Aney) : (a) With reference to a memorial submitted to His Excellency the Governor General in Council on behalf of the first grade pleaders of the Central Provinces and Berar against payment of a certain stamp duty, will Government be pleased to state :

(i) whether a Member of this Assembly from the Central Provinces and Berar addressed a letter to the Secretary, Central Board of Revenue, dated the 6th March, 1936, inviting his attention to the fact that the above memorialists expressed their desire to send a deputation to wait on His Excellency the Governor General in Council or the Honourable Member in charge of Law and Finance, and sent a telegram to that effect in January, 1936, without getting any reply whatsoever up to the date of the letter, and further added a request to inform the date on which His Excellency the Governor General in Council or the Honourable Members would be pleased to receive the deputation ; and

(ii) whether the Deputy Secretary in his letter No. C.-No. 92 Stamp Finance Department (Central Revenues), New Delhi, dated the 11th March, 1936, in acknowledging the above letter sent the following reply to the Member referred to :

" In reply to your letter dated the 6th March, 1936, I am directed to inform you that the Government of India have already invited the opinion of the Government of the Central Provinces on certain suggestions, and in doing so have drawn particular attention to the urgency that has been claimed for the matter. The revenue involved being Provincial, they cannot contemplate any further action before the reply of the Local Government has been received and considered. In these circumstances the Governor General in Council regrets his inability to receive the proposed deputation " ?

(b) Will Government be pleased to state when the reply from the Government of the Central Provinces was received ?

(c) Did Government bring that reply to the notice of the Member who was corresponding with the Department and urging on it to receive the deputation on behalf of the memorialists ? If not, why not ?

(d) Is it not a fact that the same Member of this Assembly personally twice requested the Honourable the Finance Member soon after 11th March, for an opportunity to discuss with him and the Law Member the demand for deputation, and the question of duties raised in the memorial and that the Honourable the Finance Member said that he would be glad

†For answer to this question, see answer to question No. 1122.

to give him an opportunity after the discussion on the Budget and the Finance Bill was over ?

(e) Is it not a fact that the same member sent a letter, dated the 9th April, 1936, to the Honourable the Finance Member, renewing his demand for permitting a deputation to see him and the Honourable the Law Member to explain the position of the memorialists and urge their claim for concessions personally on the Government of India ?

(f) Is it not a fact that the Honourable the Finance Member sent the following reply to the above letter on the same day ?

" Your formal request that I should receive a Deputation on behalf of the pleaders of Central Provinces and Berar has reached me, but you will remember that I explained to you when you spoke to me about it that I was placed in a decidedly anomalous position and that the question was primarily for the Local Government. I am quite prepared to listen to what you personally have to say any time in the Assembly, but nothing on earth will induce me to receive a deputation " ?

(g) Are Government aware of the fact that the above Member of the Assembly saw the Honourable the Finance Member in the Lobby on the 20th April, 1936 and explained to him the case of the memorialists ?

(h) Is it not a fact that the Honourable the Finance Member desired that the Member who had interviewed him should, if possible, supply him with the references of Notifications relating to the first grade pleaders of the Punjab and Sind ?

(i) Is it not a fact that the said member addressed him a letter on 21st April, 1936 giving him the references and the copies of the circulars of the Finance Department in which the Notifications had appeared ?

(j) Is it not a fact that the said Member conveyed through the Honourable the Law Member to the Honourable the Finance Member, a letter which he had received from a friend in Berar which clearly showed that the orders rejecting the demand in the memorial were passed at least sometime before the 4th of April, 1936 ?

MEMORIAL OF THE FIRST GRADE PLEADERS OF THE CENTRAL PROVINCES AND BERAR AGAINST PAYMENT OF A CERTAIN STAMP DUTY.

†1124. ***Mr. Amarendra Nath Chattopadhyaya** (on behalf of Mr. M. S. Aney) : (a) Will Government be pleased to state which authority passed the final orders on the memorial of the first grade pleaders from the Central Provinces and Berar in the name of Government of India, sometime in March or April last ; and

(b) if such orders were passed without the knowledge of the Honourable Member in charge of the Department ?

MEMORIAL OF THE FIRST GRADE PLEADERS OF THE CENTRAL PROVINCES AND BERAR AGAINST PAYMENT OF A CERTAIN STAMP DUTY.

†1125. ***Mr. Amarendra Nath Chattopadhyaya** (on behalf of Mr. M. S. Aney) : Will Government be pleased to state what are the special reasons of His Excellency the Governor General in Council for the distinction made by him between the first grade pleaders of the Punjab and Sind on the one hand and those of the Central Provinces and Berar on the other, in the matter of exercising the discretion vested in him under section 9-A of the Indian Stamp Act ?

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LEGISLATIVE ASSEMBLY.

[12TH OCT. 1936]

Mr. M. Ananthasayanam Ayyangar : Was it pointed out in the legislature of the Central Provinces that concessions in stamp duty were given in the case of the Punjab and Sind ?

The Honourable Sir James Grigg : I have nothing to add to the answer I have given.

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(b) Will Government be pleased to state when the reply from the Government of the Central Provinces was received ?

(c) Did Government bring that reply to the notice of the Member who was corresponding with the Department and urging on it to receive the deputation on behalf of the memorialists ? If not, why not ?

(d) Is it not a fact that the same Member of this Assembly personally requested the Honourable the Finance Member soon after 11th March, for an opportunity to discuss with him and the Law Member the demand for deputation, and the question of duties raised in the memorial and that the Honourable the Finance Member said that he would be glad

to give him an opportunity after the discussion on the Budget and the Finance Bill was over ?

(e) Is it not a fact that the same member sent a letter, dated the 9th April, 1936, to the Honourable the Finance Member, renewing his demand for permitting a deputation to see him and the Honourable the Law Member to explain the position of the memorialists and urge their claim for concessions personally on the Government of India ?

(f) Is it not a fact that the Honourable the Finance Member sent the following reply to the above letter on the same day ?

" Your formal request that I should receive a Deputation on behalf of the pleaders of Central Provinces and Berar has reached me, but you will remember that I explained to you when you spoke to me about it that I was placed in a decidedly anomalous position and that the question was primarily for the Local Government. I am quite prepared to listen to what you personally have to say any time in the Assembly, but nothing on earth will induce me to receive a deputation "†

(g) Are Government aware of the fact that the above Member of the Assembly saw the Honourable the Finance Member in the Lobby on the 20th April, 1936 and explained to him the case of the memorialists ?

(h) Is it not a fact that the Honourable the Finance Member desired that the Member who had interviewed him should, if possible, supply him with the references of Notifications relating to the first grade pleaders of the Punjab and Sind ?

(i) Is it not a fact that the said member addressed him a letter on 21st April, 1936 giving him the references and the copies of the circulars of the Finance Department in which the Notifications had appeared ?

(j) Is it not a fact that the said Member conveyed through the Honourable the Law Member to the Honourable the Finance Member, a letter which he had received from a friend in Berar which clearly showed that the orders rejecting the demand in the memorial were passed at least sometime before the 4th of April, 1936 ?

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†1124. ***Mr. Amarendra Nath Chattopadhyaya** (on behalf of Mr. M. S. Aney) : (a) Will Government be pleased to state which authority passed the final orders on the memorial of the first grade pleaders, sometime Central Provinces and Berar in the name of Government of India in March or April last ; and

(b) if such orders were passed without the knowledge of the Honourable Member in charge of the Department of the CENTRAL PROVINCES AND BERAR AGAINST PAYMENT OF A CERTAIN STAMP DUTY.

†1125. ***Mr. Amarendra Nath Chattopadhyaya** (on behalf of Mr. M. S. Aney) : Will Government be pleased to state what are the special reasons of His Excellency the Governor General in Council for the distinction made by him between the first grade pleaders of the Punjab and Sind on the one hand and those of the Central Provinces and Berar on the other, in the matter of exercising the discretion vested in him under section 9-A of the Indian Stamp Act ?

†For answer to this question, see answer to question No. 1122.

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†For answer to this question, see answer to question No. 1122.

POST OF THE DIRECTOR GENERAL OF THE INDIAN MEDICAL SERVICE.

1126. *Mr. C. N. Muthuranga Mudaliar : Will Government be pleased to state :

- (a) whether it is a fact that the post of the Director General of Indian Medical Service will shortly fall vacant ;
- (b) whether it is a fact that it has been decided to appoint Major-General Bradfield to the vacancy ;
- (c) whether he is the seniormost officer in the service from which selection is made ;
- (d) whether Major-General Goil is not senior to him ;
- (e) whether Major General Goil is not at present the head of the Medical Service in Bengal ;
- (f) whether it is not a fact that the post he is now holding is a selection post, a post to which he was appointed on grounds of merit ;
- (g) who makes the appointment to the post of Director General, Indian Medical Service, and on whose recommendations ;
- (h) whether the Local Government under whom he is serving at present has any say in the matter ?
- (i) whether the Local Government was consulted, and, if so, what was the recommendation ;
- (j) the grounds on which they decided in favour of Major-General Bradfield ; and
- (k) whether they are aware that there is great resentment at their action ?

Sir Girja Shankar Bajpai : (a) to (c). The Honourable Member is referred to the reply I gave to Mr. Satyamurti's question No. 833 of the current Session.

(d) Yes.

(e) Yes.

(f) Yes.

(g) to (j). The appointment was made by the Governor General in Council after a full consideration of the record of services of all the officers eligible for consideration. Such discussions as may take place in cases of this nature with Local Governments are confidential, and I am not prepared to disclose whether they have taken place and if they have taken place, what their nature has been.

(k) No.

EXTERMENT OF ONE MR. M. SAMIULLAH FROM THE DELHI PROVINCE.

1127. *Mr. Abdul Matin Chaudhury : (a) Is it a fact that Mr. M. Samiullah, son of Mr. Nasimullah, of Shahabad, District Hardoi, has been externed from the Province of Delhi, for a period of three months from July, 1936 ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the reason for this externment order ?

The Honourable Sir Henry Craik : (a) Yes.

(b) Because he had been acting in a manner prejudicial to public safety and peace.

SENIOR SUBORDINATE OFFICERS IN THE LOCO. AND CARRIAGE DEPARTMENT, BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

1128. *Mr. Umar Aly Shah : (a) What is the total number of senior subordinate officers in the Loco. and Carriage Department of the Bombay, Baroda and Central India Railway, including both the broad and meter gauge systems, namely, Foremen and Assistant Foremen in Central Shops at Bombay, Dohad and Ajmer ; Loco. and Carriage Inspectors, Machinery Inspectors and Loco. Foremen on the line ?

(b) How many of them are Indians, Anglo-Indians and non-Indians, and what are their qualifications ?

(c) What is the total number of superior grade officers in the Loco. and Carriage Department of the Bombay, Baroda and Central India Railway, including both the broad and meter gauge system ?

(d) How many of these are Indians, Anglo-Indians and non-Indians, and what are the qualifications of each ?

The Honourable Sir Muhammad Zafrullah Khan : The information readily available will be found in Appendix 'F' to Volume I of the Report by the Railway Board on Indian Railways for 1934-35, a copy of which is in the Library of the House. Government have no information regarding the qualifications of these men and do not consider any useful purpose will be served by collecting it.

RECRUITMENT IN SUPERIOR GRADES OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

1129. *Mr. Umar Aly Shah : (a) Is it a fact that the Bombay, Baroda and Central India Railway is recruiting persons in superior grades with qualifications lower than are laid down by the Public Service Commission for India ?

(b) Is it a fact that the railway has not been able to get applications from properly qualified persons for employment in such grades ? If so, do they propose to approach the Benares Hindu University and similar institutions in India and advertise the requirements in newspapers, make a selection on the competitive basis, and adopt the procedure suggested by the Public Service Commission in this behalf ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Under the terms of contract, the Bombay, Baroda and Central India Railway, like other Company-managed Railways, has full powers in regard to recruitment of staff and are not, therefore, bound to adopt the same qualifications as are laid down for recruits to the State-managed Railways.

(b) Government are informed that the administration have now no difficulty in obtaining candidates possessing the necessary qualifications. The latter part of the question does not, therefore, arise.

REDUCTION IN THE PRICES OF STEEL MATERIALS IN BAR SECTIONS IN THE
MADRAS MARKET BY THE TATA IRON AND STEEL COMPANY, LIMITED.

1130. *Mr. Sami Vencatachalam Chetty : (a) Are the Government of India aware :

- (i) that during the last three months, the prices of steel materials in bar sections have been successively reduced in the Madras market from Rs. 119 to Rs. 106 by the Tata Iron & Steel Co., Ltd. ;
- (ii) that these reductions have taken place only when the Indian Steel Rolling Mills, Ltd., Negapatam, proceeded to introduce their goods in the market ;
- (iii) that these reductions cover only the range of materials manufactured by the Indian Steel Rolling Mills, Ltd., and do not extend to sections not manufactured by them ;
- (iv) that similar reductions in prices of Tata materials are reported in all places where products of new re-rolling mills have entered the market and such price reductions extend only to competitive sections in bar materials ;
- (v) that the policy implicit in these reductions is contrary to the undertaking given by the Tata Iron & Steel Co., Ltd., to the Tariff Board that they will not resort to unfair tactics ; and
- (vi) that in so far as the Indian Steel Rolling Mills, Ltd., Negapatam, is concerned, it is not only a question of private enterprise with public subscription of capital, and that Pykara power has been brought down to Negapatam at a cost of 21 lakhs to supply power to the Rolling Mills ?

(b) Will Government state :

- (i) what action they propose to take to put a stop to the competition prevalent in the steel market between the Tata Iron & Steel Co., Ltd., and the Re-rolling Mills working in India ;
- (ii) whether they have called for any information or explanation from Tata Iron & Steel Co., Ltd., on the allegation made against them ;
- (iii) whether they are prepared to consider the desirability of calling a conference of the interests involved, under their guidance with a view to reconciling them and avoid price cutting ; and
- (iv) whether, if such a conference is called, steps are proposed to be taken to stop this price cutting at once pending negotiations ?

The Honourable Sir Muhammad Zafrullah Khan : (a) (i) to (iv) and (vi). Government have received representations to that effect.

(v) I would refer the Honourable Member to paragraphs 20 to 23 of the Report of the Indian Tariff Board on the Iron and Steel Industry (1934), a copy of which is in the Library.

(b) (i), (iii) and (iv). The matter is under consideration.

(ii) Yes, Sir.

INTRODUCTION OF THE "COMMUNAL REPRESENTATION FORMULA" IN THE
INCOME-TAX DEPARTMENT.

1131. *Mr. H. M. Abdullah : (a) Will the Honourable the Finance Member be pleased to state since when the "Communal Representation Formula" has been enforced in the Income-tax Department ?

(b) Was the recruitment of the temporary clerks in the Income-tax Department for lower limit assessment of Income-tax made during 1931 with any regard to the "Communal proportion" ?

(c) Now that the lower limit assessment has been abolished, will the retention of any clerks be governed by the terms of the "Communal representation formula" or any other consideration ?

(d) Has the representation of the minorities in the clerical and other services of the Income-tax Department been maintained (especially in the Punjab) ? If so, from what date ?

(e) Does the "Communal Representation Formula" apply at the time of "initial recruitment" only or any subsequent stage, viz., officiating rank ; from officiating to temporary rank ; from temporary to permanent rank, and confirmation ?

(f) If the reply to part (e) be in the affirmative, will the Honourable the Finance Member please furnish communitywise figures regarding the following (non-clerical and clerical services) in the Punjab since the "Communal Representation Formula" was enforced :

- (1) officiating appointment ;
- (2) from officiating to temporary ;
- (3) from temporary to permanent ; and
- (4) confirmation ?

The Honourable Sir James Grigg : (a) Communal representation percentages for the Income-tax Department in various Provinces were fixed in June, 1935, and have been in force since.

(b) The orders in force in 1931 in regard to communal representation in the services were duly observed. These orders did not fix any percentages but were based on the broad principle that no community should get undue preponderance.

(c) Appointment of former temporary 'lower limit clerks' to the permanent establishment has been treated as initial recruitment and governed by the percentages fixed in 1935.

(d) Since the percentages were fixed in 1935, recruitment to all appointments in the Income-tax Department has been made strictly according to those percentages.

(e) The percentages of communal representation apply to initial recruitment only.

(f) Does not arise.

TRANSFER OF A PORTION OF THE POSTAL AUDIT OFFICE, MADRAS, TO RANGOON.

1132. *Mr. M. Ananthasayanam Ayyangar (on behalf of Mr. S. Sathyamurti) : Will Government please state :

- (i) whether a portion of the Postal Audit Office, Madras, is about to be transferred to Rangoon ;
- (ii) if the answer to part (i) be in the affirmative, how many clerks are going to be transferred ;
- (iii) what are the terms and concessions under which they are to be transferred ;
- (iv) whether a telegram has been sent to the Viceroy and the Auditor General by the Madras Postal Accounts Association, requesting them not to resort to compulsion and asking for liberal concessions, like repatriation, etc., if people from Madras have to be transferred ; and
- (v) whether and what action has been taken on the telegram ?

The Honourable Sir James Grigg : (i) The position is that on its separation from India, Burma will have to set up a Posts and Telegraphs Accounts Department of her own to deal with Burma transactions which are at present dealt with by a portion of the Indian Posts and Telegraphs Department located at Madras. The latter will then no longer be required and will have to be abolished. To serve administrative convenience and to avoid needless loss of employment, it is proposed to give the existing personnel the option of transfer to the new office of the Burma Government. The alternative to transfer is discharge on abolition of posts under the ordinary rules of the Civil Service Regulations.

- (ii) The exact number has not yet been settled.
- (iii) The terms and conditions are at present being negotiated with the Burma Government.
- (iv) Yes.
- (v) All that was necessary had already been set in train.

CONSTRUCTION OF A NEW POST OFFICE BUILDING AT BISHESHWARGANJ IN BENARES.

1133. *Mr. Anugrah Narayan Sinha : (a) Is it a fact that the construction of a new Post Office building at Bisheshwarganj, in Benares (United Provinces), has been sanctioned ?

- (b) If so, will Government be pleased to state the estimated cost of the building ?
- (c) Is it a fact that the work of constructing this building has already been entrusted to a contractor ?
- (d) Was any tender called for the same ? If so, how many tenders were received, and whose was the lowest tender ?
- (e) If no tenders were called, will Government be pleased to state the reasons therefor ?
- (f) Is it a fact that the work has been entrusted to a local contractor without calling for any tender ?

(g) Are Government aware of the feeling of resentment among local contractors for settling this work without calling for any tender ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) Rs. 87,100.

(c) Yes.

(d) Yes. Tenders were duly called for, but only two were received. The lower tender was that of Messrs. Banwari Lal Laxmi Chand.

(e) and (g). Do not arise.

(f) The contract was awarded to L. Munna Lal Govilla of Benares, the other tenderer.

LEAVE RULES GOVERNING THE TEACHERS IN STATE RAILWAY SCHOOLS.

1134. *Pandit Lakshmi Kanta Maitra : (a) Will Government be pleased to state by what leave rules teachers in the State Railway schools in the plains are governed ?

(b) Is it a fact that the status and salaries of teachers in the State Railway schools in the plains have been assimilated to those of teachers in the Provincial Government schools of the same standard and category ?

(c) Will Government be pleased to state whether the leave rules applying to teachers in the Provincial Government schools apply also to teachers in the State Railway schools in the plains ? If not, why do Government make any discrimination in this matter ?

(d) Is it a fact that by a recent notification all the teachers in the State Railway schools in the plains have been brought under the Revised State Railway Leave Rules of February, 1930, as modified for vacation departments ?

(e) Is it a fact that when the Revised State Railway Leave Rules were promulgated in 1930, by clause 2 (a), they were made applicable only to employees recruited on or after the 1st April, 1930, and that no retrospective effect was given to them ?

(f) Is it a fact that most of the teachers in the East Indian Railway Schools in the plains were recruited years, in some cases decades, before 1930 ? If so, why were the rules given retrospective effect in the case of these teachers ?

(g) Do Government propose to consider the question of exempting these teachers, at least from the retrospective effect of the rules ?

(h) Is it a fact that when the Railway Board promulgated the new leave rules for teachers in May, 1935, they expressly laid down that where teachers in the State Railway schools in the plains were being governed by different leave rules, they should be given the option to elect within three months whether they would come under the new rules, or remain under the old ones ? If so, will Government be pleased to state if such option was given by the Railway Administration to the teachers concerned ? If not, will Government be pleased to state why the instructions of the Railway Board were not followed ?

(i) Before deciding not to give this option to the teachers did the East Indian Railway Administration make any enquiry of the Local

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Managing Committees as to what leave rules, if any, were being applied to teachers in the East Indian Railway Schools? If not, why was no enquiry made before coming to a final decision?

(j) Is it a fact that in some of the East Indian Railway Schools in the plains, the East Indian Railway Leave Rules, and in others, the leave rules laid down in the Provincial Education Codes were being applied to teachers by the Managing Committees?

(k) Do Government even now propose to direct the Administration to make such an enquiry and, where it is found that other leave rules were being followed, to give the teachers the option laid down by the Railway Board in their letter of the 11th May, 1935?

(l) Is it a fact that in Provincial Government schools the new leave rules have been made applicable only to teachers recruited after June, 1931 or thereabout? If so, why did the Railway Board follow a different policy in dealing with their educational officers?

The Honourable Sir Muhammad Zafrullah Khan : (a) By the New State Railway Leave Rules promulgated with Railway Department Resolution No. 8373-E, dated the 20th February, 1930, modified by Railway Board's letter No. E34SC28 of the 11th May, 1935, a copy of which will be found in the Library of the House.

(b) Instructions have been issued to State-managed Railways to revise the scales of pay of their schools staff in accordance with the scales of pay introduced by the Local Governments.

(c) The reply to the first part is in the negative; as regards the second, Government consider that conditions of service of teachers in the State Railway Schools and Provincial Government Schools need not necessarily be the same in all respects.

(d) The Honourable Member is referred to the replies given to parts (b) and (c) of his starred question No. 1072 put on the 10th March, 1936.

(e) The Honourable Member is referred to the reply given to part (a) of his question referred to in the reply to part (d) above.

(f) The reply to the first part of the question is that Government have no information. In reply to the second part the Honourable Member is referred to the reply given to part (b) of his question referred to in the reply to part (d) above.

(g) No.

(h) The option was allowed only in the case of such staff as were governed by definite leave rules, and so far as Government are aware these instructions have been carried out.

(i) and (j) The service records of all the teachers showing the leave granted in the past were examined by the East Indian Railway administration and in no case could it be substantiated that definite rules were applied in granting leave to teachers prior to the introduction of the New Leave Rules issued with the Railway Board's letter No. E34SC28, dated the 11th May, 1935.

(k) In view of the reply to parts (i) and (j) Government do not consider that any further enquiry is necessary.

QUESTIONS AND ANSWERS.

(l) The reply to the first part of the question is that Government have no information. As regards the second part, Government see no reason for following the Local Governments in this matter.

Pandit Lakshmi Kanta Maitra : Is the Honourable Member in a position to tell us what is the difference in the nature of the conditions of service between the provincial educational service and the railway educational service?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member had better put down a question to that effect. The answer will probably have to go into very great details. My answer to (c) implies that in all respects the conditions are not the same. There must be differences.

Pandit Lakshmi Kanta Maitra : In view of the fact that some of the railway educational institutions are located in the provinces, I want to know whether the provincial codes would not apply to these institutions in the matter of leave rules and other conditions of service?

The Honourable Sir Muhammad Zafrullah Khan : Not in all respects.

Mr. Lalchand Navalrai : With reference to the answer to (g) may I know from the Honourable Member if these teachers had any information that the rules will be changed with retrospective effect?

The Honourable Sir Muhammad Zafrullah Khan : I am unable to say.

Pandit Lakshmi Kanta Maitra : I want to know whether they were given a chance to know what these rules were before retrospective effect was given?

The Honourable Sir Muhammad Zafrullah Khan : I have no information on that.

Pandit Govind Ballabh Pant : Is it a fact that the staff in a railway school have to discharge the same duty and to bear the same responsibility as the staff in a similar Government school situated in the same province?

The Honourable Sir Muhammad Zafrullah Khan : I suppose the duties and responsibilities are the same.

Pandit Govind Ballabh Pant : Then why is there a distinction in the matter of leave rules?

The Honourable Sir Muhammad Zafrullah Khan : That lies in the history of the schools.

Pandit Govind Ballabh Pant : How does history come in?

The Honourable Sir Muhammad Zafrullah Khan : For this reason that provincial schools have from the beginning been treated on a different footing by the provinces and these differences have existed throughout. Therefore, I say the distinction lies in the history of the schools.

Mr. M. Ananthasayanam Ayyangar : Were not these differences wiped out for some time?

The Honourable Sir Muhammad Zafrullah Khan : I have no information.

Pandit Govind Ballabh Pant : Is it not a fact that prior to the year 1928 the Government schools and the railway schools were placed on the same footing ?

The Honourable Sir Muhammad Zafrullah Khan : I am not so aware.

Pandit Govind Ballabh Pant : What does the reply mean—that the Honourable Member does not know that there was a difference. Is he ignorant of the facts ?

The Honourable Sir Muhammad Zafrullah Khan : I do not know.

Mr. M. Ananthasayanam Ayyangar : Will the Honourable Member make inquiries with regard to part (c) ?

The Honourable Sir Muhammad Zafrullah Khan : If the Honourable Member will put down a question.

Mr. M. Ananthasayanam Ayyangar : The question is already there on the order paper.

The Honourable Sir Muhammad Zafrullah Khan : What does the Honourable Member want me to do.

Mr. M. Ananthasayanam Ayyangar : I want him to make inquiries whether the same rules apply to these schools also ?

The Honourable Sir Muhammad Zafrullah Khan : I have already given the reply.

Dr. Ziauddin Ahmad : Is it not a fact that rules differ from province to province. May I inquire from the Honourable Member whether the same set of rules apply to these railway institutions ?

The Honourable Sir Muhammad Zafrullah Khan : I assume there would be differences. I could not say without notice.

Pandit Govind Ballabh Pant : Is there any difference in the matter of emoluments between the railway schools meant for Anglo-Indians and those meant for Indians ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I must require notice.

Pandit Govind Ballabh Pant : Is not the Honourable Member aware that there is a great difference between the two ?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member is supplying information.

Pandit Govind Ballabh Pant : Are you not in a position to confirm this information ?

The Honourable Sir Muhammad Zafrullah Khan : I must require notice of that. I must look into the facts.

Pandit Lakshmi Kanta Maitra : I have been pursuing this matter since the last Session. Will the Honourable Member look into the legitimate grievances of the staff in these schools and give them the satisfaction which they have been seeking for ?

The Honourable Sir Muhammad Zafrullah Khan : I do not accept the allegation that there are legitimate grievances.

NON-APPLICATION OF THE REVISED STATE RAILWAY LEAVE RULES TO TEACHERS OF THE OAKGROVE SCHOOL.

1135. ***Pandit Lakshmi Kanta Maitra :** (a) Is it a fact that the Revised State Railway Leave Rules do not apply to teachers in the East Indian Railway Hill school at Oakgrove ? If so, why ?

(b) Is it a fact that the Anglo-Indian and European teachers of the Oakgrove school have been placed under a more favourable set of rules than the teachers in the Indian schools in the plains ?

(c) Will Government be pleased to state why they have made this racial discrimination ?

(d) Will Government be pleased to lay a copy of the leave rules for teachers in the Oakgrove school on the table ?

(e) Do Government propose to remove this discrimination by applying the same rules to the Oakgrove school and the schools in the plains ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). The rules now introduced are applicable to the teaching staff in all railway schools who have been recruited on or after the 1st April, 1930, or, if they were recruited before that date, were governed by any definite set of leave rules and elected for the New State Railway Leave Rules.

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

(d) A copy of the leave rules applicable to the teaching staff employed in railway schools issued with the Railway Board's letter No. E34SC28, dated the 11th May, 1935, which also apply to teachers in the Oakgrove School, is in the Library of the House.

Pandit Lakshmi Kanta Maitra : Am I to understand from the Honourable Member that the same rules apply to the Oakgrove School as apply to those in the plains ?

The Honourable Sir Muhammad Zafrullah Khan : Yes.

Pandit Govind Ballabh Pant : Is it not a fact that the Oakgrove School gets its holidays in the winter, while the schools in the plains get them in the summer or the rains ?

The Honourable Sir Muhammad Zafrullah Khan : I am not so aware.

Pandit Lakshmi Kanta Maitra : Is it not a fact that the teachers in the Oakgrove School enjoy a larger number of railway passes than the teachers in the plains ?

The Honourable Sir Muhammad Zafrullah Khan : I would require notice.

Pandit Govind Ballabh Pant : Is it not a fact that the teachers in the Oakgrove School get higher emoluments than the teachers in the schools in the plains ?

The Honourable Sir Muhammad Zafrullah Khan : That does not arise out of this. This question has nothing to do with emoluments.

APPLICATION OF STATE RAILWAY LEAVE RULES TO TEACHERS IN CERTAIN
EAST INDIAN RAILWAY SCHOOLS.

1136. *Pandit Lakshmi Kanta Maitra : (a) With reference to the answer to my starred question No. 1072 of the 10th March, 1936, that the Committees of the East Indian Railway Schools in the plains granted leave to teachers only at their discretion and that no definite rules were being applied to them prior to the introduction of the new leave rules, is it a fact that teachers in the East Indian Railway High Schools have since submitted memorials to the Railway Administration, asking for a reconsideration of the matter on the ground that in the East Indian Railway High Schools in Bihar, the Bihar and Orissa Education Code, and in the other high schools, the East Indian Railway leave rules, were being followed ?

(b) Have the Railway Board received these representations ? If so, will Government be pleased to state if these have been considered, and, if so, what orders have been passed on them ? If they have not yet been considered, will Government be pleased to state when final orders are likely to be passed on these ?

(c) Will Government be pleased to state whether, before giving the answer, they made any enquiry of the local school committees as to how leave was being granted ? If so, will Government be pleased to lay the replies on the table ? If not, do Government propose to direct such an enquiry to be made now in order to find out the truth or otherwise of the contention of the teachers referred to in part (a) above ? If not, why not ?

(d) Do Government propose to apply such rules to teachers in the East Indian Railway High Schools who were being granted leave according to the Education Code or the East Indian Railway rules, and who were recruited before 1930, as has been done in the case of the Oakgrove school teachers, *vide* answer to my question No. 1075 (c) of the 10th March, 1936 ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes. Out of the five High English Indian Schools on the East Indian Railway memorials were received from the teachers of three schools.

(b) No. The memorials were addressed to the Agent and to the Superintendent, East Indian Railway Schools, and were not forwarded to the Railway Board.

(c) and (d). The Honourable Member is referred to the reply given to parts (i), (j) and (k) of his question No. 1134 today.

*Pandit Lakshmi Kanta Maitra : May I know what are the three schools from which representations have been received ?

The Honourable Sir Muhammad Zafrullah Khan : I would require notice of that.

Pandit Govind Ballabh Pant : Has any representation been received from the Bareilly School ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I shall have to find that out.

LEAVE ON AVERAGE PAY IN CASES OF ILLNESS FOR TEACHERS IN THE EAST
INDIAN RAILWAY SCHOOLS.

1137. *Pandit Lakshmi Kanta Maitra : (a) With reference to the answer given to my starred question No. 1078 (b) of the 10th March, 1936, that Government considered that a deduction should be made from leave earned in respect of staff who enjoyed full vacation, is it a fact that the East Indian Railway employees in other departments recruited before 1930, who do not enjoy vacations, earn leave on full pay to the extent of 1/11th of the period of duty ?

(b) Is it a fact that in the case of teachers in the State Railway schools the period of leave to be earned is reduced by the new rules to 1/16th of the period of duty, even though in a particular year they do not avail themselves of the vacation ?

(c) Is it also a fact that besides this reduction in the period of leave to be earned by teachers in the State Railway schools, this reduced period of leave is to be counted as leave on half pay ?

(d) If the answer to the preceding parts be in the affirmative, will Government be pleased to state why the teachers in the railway schools have been subjected to this double penalty for service in a vacation department ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, on average pay, so far as employees governed by the Fundamental Rules are concerned.

(b) No. When they do not avail themselves of vacation the leave earned is one-sixth or one-eighth of service according to domicile.

(c) Not when vacation is not availed of.

(d) Does not arise.

POSITION OF TEACHERS IN STATE RAILWAY SCHOOLS.

1138. *Pandit Lakshmi Kanta Maitra : (a) Do Government propose to make an enquiry as to the leave rules which govern teachers recruited before 1930 in Government schools in centrally administered areas ?

(b) Is it a fact that as regards their salaries, free quarters, casual leave, the position of teachers in State Railway schools has been assimilated to that of teachers of similar status in the Provincial Government schools ? If so, why do Government make this discrimination as regards leave rules ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Government do not consider there is any necessity for an enquiry.

(b) The Honourable Member is referred to the reply given to part (b) of his question No. 1134 today. Government have no information about the concessions allowed to teachers in Provincial Governments' Schools.

EXEMPTION OF THE RUNNING STAFF FROM THE OPERATION OF THE HOURS OF EMPLOYMENT RULES ON STATE RAILWAYS.

1139. *Mr. Muhammad Azhar Ali : (a) Will Government be pleased to state :

- (i) whether it is a fact that *Running Staff* are exempted from the operation of Hours of Employment Rules on State Railways in India ; and
- (ii) on what particular considerations certain category of staff are classed as *Running Staff* for the purpose of :
 - (A) travelling allowances, and
 - (B) Hours of Employment Rules ?
- (b) Will Government please state :
 - (i) whether the crew staff employed on the East Indian Railway before 1st June, 1931 were classed as *Running Staff*, and
 - (ii) whether it is a fact that crew staff comprised of crewmen, crew incharges, and crew Inspectors ?
 - (c) If the reply to part (b) (i) be in the affirmative, will Government be pleased to state under what rule were they denied mileage allowance ?
 - (d) Will Government be pleased to state whether crewmen, crew incharges and crew Inspectors were *incharge of a running train, connected with the charge of a running train, or, considered to be connected with the charge of a running train* ?
 - (e) Will Government be pleased to state why the Travelling Ticket Inspectors on the East Indian Railway were paid mileage allowance before 1st June, 1931 ?
 - (f) Will Government please state :
 - (i) whether it is a fact that Travelling Ticket Examiners, now employed on the East Indian Railway, are paid consolidated allowance, i.e., permanent travelling allowance under Supplementary Rule 22 ;
 - (ii) whether it is a fact that a Travelling Ticket Examiner, who is sent to work away from his sphere of duty, is entitled to convert this consolidated allowance into mileage allowance for the portion of the journey performed by him as laid down under Supplementary Rule 68 ; and
 - (iii) if the reply to part (f) (ii) be in the negative, whether the Travelling Ticket Examiners on the State Railways in India are not governed by the Fundamental and Supplementary Rules ?

The Honourable Sir Muhammad Zafrullah Khan : I would refer the Honourable Member to my reply to Qazi Muhammad Ahmad Kazmi's question No. 832 asked on the floor of this House on the 26th February, 1936.

Mr. Muhammad Azhar Ali : If I remember aright, the Honourable Member in reply to Mr. Kazmi said that about 400 questions have been answered on this subject.....

The Honourable Sir Muhammad Zafrullah Khan : The number is now nearer 500.

Mr. President (The Honourable Sir Abdur Rahim) : I cannot allow any more questions on this. Next question.

PRICE OF AERATED WATER ON THE EAST INDIAN RAILWAY.

1140. Mr. Sri Prakasa : (a) What authority fixes the price of aerated water sold at stations and in the running trains of the East Indian Railway ?

(b) Is it a fact that vendors complain that owing to the heavy price charged, they are able to make very little sale ?

(c) If so, do Government propose to investigate the matter and recommend a reduction of the price ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The rates are embodied in an agreement, dated the 1st January, 1930, between the Secretary of State for India in Council and the Carlsbad Mineral Water Manufacturing Company.

(b) Government have no information.

(c) I would refer the Honourable Member to the reply I gave to part (f) of Qazi Muhammad Ahmad Kazmi's question No. 545 on the 22nd September, 1936.

Mr. Mohan Lal Saksena : Under the agreement must the rates be revised periodically ?

The Honourable Sir Muhammad Zafrullah Khan : I would require notice but as I said in answer to the question to which I have referred, the East Indian Railway Administration have this question under consideration.

Pandit Lakshmi Kanta Maitra : How long will this agreement be in force ?

The Honourable Sir Muhammad Zafrullah Khan : I would require notice.

TANK-WAGONS CONSTRUCTED BY THE EAST INDIAN RAILWAY.

1141. *Mr. Sham Lal : (a) Will Government be pleased to state :

(i) whether the East Indian Railway has constructed tank-wagons, out of which some have been reserved for Cawnpore for exporting mustard-oil ; and

(ii) whether these tank-wagons are only given to mill-owners and not to any other member of the public ?

(b) Is it a fact that on the 4th September, 1936, Mr. Watt of the East Indian Railway Head Office convened a meeting of the mill-owners of Cawnpore, that this meeting was not attended by all the mill-owners, and still be fixed a monthly quota of tank-wagons for the absentees as well as for those who were present against their will ?

(c) Is it a fact that this decision of Mr. Watt has created a great resentment among the mill-owners, who have informed the railway that they are not bound by his decision?

(d) Is the railway prepared to direct its officers not to fix any quota of tank-wagons for any persons, but to give tank-wagons to any person whether a mill-owner or not, who applies for them?

The Honourable Sir Muhammad Zafrullah Khan : (a) (i). 35 tank wagons are stabled at Cawnpore for the carriage of vegetable oils.

(ii) Yes.

(b) As the number of tank wagons available for traffic in vegetable oils is not sufficient to deal with the entire traffic, the Administration considered it desirable to discuss with millowners the adoption of a quota system which would combine outputs with despatches in order to regulate the supplies of tank wagons to the various mills. The United Provinces Oil Mills Association was accordingly asked to arrange for the various mills interested to send their representatives to a meeting at which it was proposed to discuss the quota. Of the nine mills concerned, only two were not represented at the meeting.

(c) The Administration is not aware of any feeling of resentment, but one millowner has complained of the share allotted to him.

(d) No. I understand the arrangement made is intended to ensure the best use being made of the limited number of tank wagons available, with due regard to the interests of all the mills concerned.

IMPORTS OF RICE IN THE HUSK IN THE MADRAS PRESIDENCY.

1142. ***Mr. C. N. Muthuranga Mudaliar :** Will Government be pleased to state :

(a) whether it is a fact that the imports of rice in the husk in July, 1935, in the Madras Presidency were 8,484 tons ;

(b) whether it is a fact that the imports of rice in the husk in July, 1936, in the Madras Presidency were 31,232 tons ;

(c) whether it is a fact that due to large imports of paddy from Indo-China this year, stated in parts (a) and (b), the price of paddy and rice has fallen heavily this year in the Madras Presidency as compared to the prices of last year ;

(d) whether it is a fact that most of the imports referred to in parts (a) and (b) are from Indo-China and Siam ;

(e) what steps they propose to take to preserve the Indian markets for the products of the Indian agriculturist ;

(f) whether it is a fact that the Crop-Planning Committee of the Imperial Council of Agricultural Research has recommended the imposition of a duty on paddy and rice besides that on broken rice ;

(g) whether it is a fact that the same Committee has also recommended the removal of the export duty on Indian rice ;

(h) what steps they have taken on the recommendations stated in parts (f) and (g) ; if none, why not ; and

(i) whether they are aware that Indian rice is subject to an export duty in the country of its origin and to an import duty in the country to which it is imported ?

The Honourable Sir Muhammad Zafrullah Khan : (a), (b) and (i). Yes, Sir.

(c) and (e). I would refer the Honourable Member to the replies given by me to the supplementaries to Mr. Ananthasayanam Ayyangar's arched question No. 62 in the current Session.

(f) Yes, but the Sub-Committee did not make any specific reference broken rice.

(g) Yes, but with the qualification " as soon as financial circumstances permit ".

(h) The recommendations of the Crop Planning Sub-Committee were not in themselves final as they were meant for consideration by the Crop Planning Conference. This Conference endorsed the recommendation regarding the imposition of a moderate duty on rice and paddy but not that regarding the abolition of the export duty. In the case of the former the Government of India, after careful examination of the position, found that imports of broken rice predominated and constituted the most urgent problem and an import duty of 12 annas per maund on broken rice has since been imposed. With regard to the latter, the Conference was inclined to the view that the question was academic in the present financial circumstances as the export duty meant nearly a crore of rupees per annum to Central Revenues. Moreover, the export duty being the same in India as in Siam and Indo-China, India is not placed in a position of disadvantage as compared with other exporting countries.

(i) As explained above rice is liable to export duty in the principal producing countries including India. Several importing countries also levy an import duty.

RECRUITMENT OF GURKHAS IN THE ASSAM RIFLES.

1143. ***Mr. Kuladhar Chaliha :** Will Government please state whether 750 Gurkhas were recruited for the first time to the Assam Rifles in 1934-35 through the agency of the Gurkha Recruiting Officer of the Indian Army from the depots at Kuraghat and Ghoom ? If so, do Government propose to discontinue the practice and confine the recruitment to the province of Assam ?

The Honourable Sir Henry Craik : No. The total number of men recruited for the Assam Rifles in 1934 was 750. Of these, 463 Gurkhas were recruited through the Recruiting Officer for Gurkhas from the Kuraghat and Ghoom depôts. 96 Gurkhas were recruited by an officer specially deputed to Sikkim and 35 Gurkhas were recruited in Assam. The balance (156) were local recruits from various Assam classes.

The prescribed percentage of Assamese recruits has never been reached and it is therefore not possible to confine recruitment to the province of Assam.

Mr. Kuladhar Chaliha : With regard to the first part of the question, is the answer in the negative ? I take it from the Administration Report of the Assam Government for 1934-35 that 750 recruits were

recruited for the first time from the Kuraghat and Ghum depôts. Will the Honourable Member look into that administration report which is available in the Library and answer my question?

The Honourable Sir Henry Craik : The information I have given is that "463 Gurkhas were recruited through the Recruiting Officer for Gurkhas from the Kuraghat and Ghum depôts, 96 Gurkhas were recruited by an officer specially deputed to Sikkim and 35 Gurkhas were recruited in Assam. The balance (156) were local recruits from various Assam classes".

Mr. Kuladhar Chaliha : Will the Honourable Member look into the Administration Report?

Pandit Lakshmi Kanta Maitra : Were these 156 of the local recruits drawn from the indigenous population of Assam?

The Honourable Sir Henry Craik : I do not know—I said "from various Assam classes".

Mr. Mohan Lal Saksena : Were the Gurkhas recruited because recruits were not available locally?

The Honourable Sir Henry Craik : I have explained that the Assamese recruits have never come up to the full percentage; so we have to recruit Gurkhas.

Pandit Lakshmi Kanta Maitra : Do Government propose to take steps to give due encouragement to the Assamese people to enrol as recruits in the military and police services?

(No answer.)

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

OPENING OF RECRUITING DEPÔTS AT CERTAIN PLACES IN ASSAM.

1144. ***Mr. Kuladhar Chaliha :** Will Government please state whether they propose to open recruiting depôts in the province of Assam in the districts of Goalpara, Sibsagar and Lakhimpur for recruiting men for the Assam Rifles?

The Honourable Sir Henry Craik : No. Assamese recruits are obtained by recruiting parties sent from the battalions, and Government propose to continue this practice.

Mr. Kuladhar Chaliha : Did they have any depôts at Goalpara before? There were certain depôts for recruiting Assamese recruits: is this practice discontinued now?

The Honourable Sir Henry Craik : I must have notice of that.

GRANT OF LOANS TO THE EMPLOYEES BY THE EAST INDIAN RAILWAY CO-OPERATIVE SOCIETY.

1145. ***Babu Kailash Behari Lal :** Will Government be pleased to state :

- (a) if it is a fact that a new circular regarding the grant of loans to the employees of the East Indian Railway out of the East Indian Railway Co-operative Society has been issued

(b) if the answer to part (a) be in the affirmative, what are the new changes introduced regarding the grant of loans to the employees;

(c) if it is a fact that formerly loans up to ten months' salary of an employee used to be granted in general for paying off past debts, marriages of children, house construction, and such other purposes, but according to the new circular a loan up to ten months' pay is only granted in special cases;

(d) if it is a fact that the question of marriage of children is not regarded as a matter of importance for grant of loan up to ten months' salary, specially at Jamalpur;

(e) if it is a fact that the loan up to seven months' salary of an employee is repayable in 36 instalments, whereas a loan up to ten months' salary is repayable in 48 instalments with lower deductions?

The Honourable Sir Muhammad Zafrullah Khan : (a) to (e). Government are informed that a circular was issued by the Agent, East Indian Railway, in December, 1933, placing certain restrictions on the taking of loans from the East Indian Railway Employees' Co-operative Credit Society. A copy of this circular is in the Library of the House.

Babu Kailash Behari Lal : May I know if there is any distinction made between employees at Jamalpur and employees elsewhere in this matter?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid the Honourable Member will have to refer to the copy of the circular.

SEPARATION OF THE APPELLATE JURISDICTION OF THE ASSISTANT COMMISSIONER OF INCOME-TAX FROM HIS ADMINISTRATIVE FUNCTIONS.

1146. ***Mr. Ram Narayan Singh :** Are Government prepared to separate the appellate jurisdiction of the Assistant Commissioner of Income-tax from his administrative functions and place the Assistant Commissioner with his appellate jurisdiction directly under the control of the Board of Revenue?

The Honourable Sir James Grigg : The matter is under the consideration of the Expert Advisers to the Government of India on Income-tax subjects and the Government are not in a position to say anything until they receive their report.

INCOME-TAX REALISED BY CERTIFICATE PROCEDURE.

1147. ***Mr. Ram Narayan Singh :** (a) Is it not a fact that at least 40 per cent. of the income-tax is realized by certificate procedure, and if so, why?

(b) Will Government be pleased to state the amount of income-tax ordinarily and willingly paid by income-tax payees in Bihar, and also the amount realized by the certificate procedure?

The Honourable Sir James Grigg : (a) No. The second part of the question does not arise.

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(b) The amount of tax paid voluntarily in Bihar during the year 1935-36 was Rs. 51,42,000 odd and that realised by certificate procedure was Rs. 1,48,000 odd.

RE-DISTRIBUTION OF INCOME-TAX AREAS.

1148. *Mr. Ram Narayan Singh : (a) What is the benefit accrued to Government by combining two or more districts with one headquarter and placing one district in charge of one officer instead of appointing one Income-tax Officer for each district with a separate headquarter in the same ?

(b) How is it that constant re-distribution of areas is going on, and are Government aware of the great inconvenience to the income-tax payees ?

(c) What are the duties of Income-tax Inspectors ?

(d) Are Government prepared to consider the advisability of reducing the number of Income-tax Inspectors and increasing that of the Income-tax Officers, and if not, why not ?

The Honourable Sir James Grigg : (a) It is not correct to say that two or more districts are combined with one headquarter and then each one of them is placed in charge of one officer. In this connection, I would invite the attention of the Honourable Member to the reply given to part (a) of his starred question No. 937.

(b) It is not a fact that constant redistribution of areas takes place.

(c) The duties of Income-tax Inspectors are to assist the Income-tax Officers in out-door investigation and survey work and also to examine the accounts of assesseees.

(d) The Government do not consider it desirable to reduce the number of Inspectors and increase the number of Income-tax Officers as that would mean an unnecessary increase in expenditure.

Pandit Govind Ballabh Pant : Is it a fact that sometimes an income-tax officer is in charge of several districts ?

The Honourable Sir James Grigg : I do not think so ; I do not think any income-tax inspector is in charge of any district at all, in any case ?

Pandit Govind Ballabh Pant : I mean an income-tax officer.

The Honourable Sir James Grigg : Do you mean that the work of several districts is allotted to him ? If so, I cannot say without notice.

Pandit Govind Ballabh Pant : In case an income-tax officer is in charge of more than one district, will the Department issue instructions to him to deal with cases appertaining to a particular district inside that district ?

The Honourable Sir James Grigg : I cannot answer that without notice : all I can say is that every attempt is made to meet the convenience of assesseees, but whether the practice which the Honourable Member wishes to see observed is observed universally, I cannot say without inquiry.

Pandit Govind Ballabh Pant : Is the Honourable Member aware that the assesseees of the hill districts have sometimes to cover a journey of four or five days in reaching the income-tax officer's headquarters and are required to attend there more than once ?

The Honourable Sir James Grigg : I am quite prepared to believe that there have been on occasion cases where the convenience of taxpayers has not been very carefully looked after, but if there is any such case, I do not think that it is typical.

Pandit Govind Ballabh Pant : May I take it that it is the desire of the Honourable Member's Department, so far as is possible, that the assesseees should not be inconvenienced ?

The Honourable Sir James Grigg : That is certainly my desire, and I think, and I hope, that it is also the desire of my Department.

Pandit Govind Ballabh Pant : Will the Honourable Member be pleased to impress it upon income-tax officers in charge of more than one district that they should bear this consideration always in mind ?

The Honourable Sir James Grigg : As I explained before, the whole of the administrative arrangements of the Income-tax Department are under examination by the expert advisers, and I think it is quite possible that changes in the administrative system will be made as a result of their inquiry. I do not think the Honourable Member will expect me to go beyond that at the present moment, but I repeat that it is the desire of the Department to see that the convenience of the assesseees should be studied as much as is humanly possible.

Pandit Govind Ballabh Pant : Will this desire be in any way affected by the recommendations of the experts ?

The Honourable Sir James Grigg : No, the desire will not, but the method of carrying it out in practice may.

Prof. N. G. Ranga : Is there any proposal to increase the strength of the Department in order to suit the convenience of the assesseees as well as of the Government ?

The Honourable Sir James Grigg : If there is any proposal for meeting in a greater degree the conveniences of the assesseees made by the expert staff or others, I shall consider it carefully, but clearly I have not come to any decision yet.

Mr. Ram Narayan Singh : How long will this examination continue ?

The Honourable Sir James Grigg : I have answered that ; the experts will finish their labours in the course of the next month or six weeks.

Mr. Ram Narayan Singh : Will the report be published before a final decision is taken by Government ?

The Honourable Sir James Grigg : I have answered that. I cannot give myself any opportunity of making a prophecy until I have myself seen the report.

Pandit Govind Ballabh Pant : But that contingency is not ruled out ?

The Honourable Sir James Grigg : Certainly not.

RULES REGARDING CONDUCT OF ELECTIONS UNDER THE COMING REFORMS.

1149. ***Mr. M. Ananthasayanam Ayyangar** (on behalf of Mr. S. Satyamurti) : Will Government be pleased to state :

(a) whether drafts of the second part of the Governor's rules regarding conduct of elections under the coming reforms have been received by the Government of India ;

(b) whether these rules provide categorically for Government servants and servants of local bodies not taking part, directly or indirectly, openly or privately, in elections in any manner ; and

(c) if they do not, whether they are prepared to advise a rule to that effect being inserted in those rules ?

The Honourable Sir Frank Noyce : (a) Yes, and some of the Local Governments have since published their rules.

(b) No.

(c) Government do not propose to advise the inclusion of a provision of the kind suggested by the Honourable Member. As regards Government servants, provision is already contained in the Government Servants' Conduct Rules, copies of which are in the Library of the House. As regards the servants of local bodies the matter is not primarily the concern of the Governor General in Council.

Mr. M. Ananthasayanam Ayyangar : Why are they not primarily the concern of the Governor General in Council, Sir ?

Mr. President (The Honourable Sir Abdur Rahim) : We have already had a three days' debate on this matter.

Prof. N. G. Ranga : Not with regard to part (a), which is entirely separate ?

Pandit Govind Ballabh Pant : The debate, if anything, has demonstrated the necessity of such rules being included. Are the Government aware of the fact that in spite of these rules being a permanent part of the Government Servants' Conduct Rules, they are more often respected in breach than in observance ?

The Honourable Sir Frank Noyce : No, Sir. I trust that that is not the case.

Mr. President (The Honourable Sir Abdur Rahim) : That has been the subject-matter of the debate.

Pandit Govind Ballabh Pant : In case the Government are not prepared to incorporate these rules in the Election Rules, will they send a copy of these rules to every Government servant within two months of polling ?

The Honourable Sir Frank Noyce : I understand that the attention of all Local Governments has been drawn to the Government Servants' Conduct Rules and it is obviously for them to decide whether copies of these rules should be sent to all Government servants. I presume all Government servants have to make themselves acquainted with the Rules.

Pandit Govind Ballabh Pant : Will the Government of India instruct the Local Governments to issue copies of such rules to the Government servants individually ?

The Honourable Sir Frank Noyce : No, Sir, that is a matter for the discretion of the Local Governments.

Pandit Govind Ballabh Pant : What objection have the Government of India to these rules concerning Government servants which bear on their conduct in relation to election being included in the Election Rules ?

The Honourable Sir Frank Noyce : As I have said, this is a matter for the Local Governments and I have nothing to add to the replies I have already given.

Pandit Govind Ballabh Pant : Are not the Government of India aware of the fact that all Local Legislatures will serve as electoral colleges to the Legislative Assembly of the Federal Constitution ?

The Honourable Sir Frank Noyce : I believe that is so.

Pandit Govind Ballabh Pant : Is it not, then, the concern of the Government of India to properly constitute them ?

Mr. President (The Honourable Sir Abdur Rahim) : I really cannot allow further questions on this subject which has already been fully debated.

RESIGNATION BY SIR SIKANDAR HAYAT KHAN FROM THE DEPUTY GOVERNORSHIP OF THE RESERVE BANK OF INDIA.

1150. ***Mr. Akhil Chandra Datta** : (a) Is it a fact that Sir Sikander Hayat Khan, Deputy Governor of the Reserve Bank of India, is resigning his office from the 26th September, 1936, as reported in the *Statesman* of the 6th September, 1936 ?

(b) If so, has the Governor General in Council received any recommendation from the Board of Directors of the Reserve Bank as provided for in the Reserve Bank Act ?

(c) What immediate arrangement do Government propose to make to fill up the post ?

(d) In view of the technical importance of the post, do Government propose to appoint a banking expert to the post ?

The Honourable Sir James Grigg : (a) I would refer to part (d) of Mr. Satyamurti's question No. 699.

(b) No.

(c) and (d). These are matters primarily for the Central Board of the Reserve Bank.

Pandit Govind Ballabh Pant : Was the Honourable the Deputy Governor of the Reserve Bank given an assurance that he would be released in time to join the new Government in the Punjab while he was serving as such ?

The Honourable Sir James Grigg : That was a question which was very fully dealt with in reply to supplementary questions and answers.

Pandit Govind Ballabh Pant : It is a well-known fact.

DISCHARGE AND DISMISSAL POWERS DELEGATED TO CERTAIN OFFICIALS BY THE RAILWAY BOARD.

1151. *Mr. Anugrah Narayan Sinha : (a) Will Government be pleased to state the powers of Divisional Superintendents of State-managed Railways in India and also the powers of Superintendent, Transportation, Superintendent, Staff and the Superintendent, Powers, and Superintending Engineer, in connection with the discharge and dismissal powers delegated to them by the Railway Board ?

(b) Is it a fact that Superintendent, Transportation has got powers to discharge non-gazetted railway servants who have put in service up to three years ?

(c) Is it a fact that Superintendent, Staff, also holds the same powers ? If so, will Government be pleased to state why the rules are disregarded by the Divisional Officers on the East Indian Railway system in regard to discharge and dismissal of non-gazetted servants ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). I would refer the Honourable Member to the information laid on the table of the House on the 31st August, 1936, in reply to Dr. N. B. Khare's unstarred question No. 561 asked on the 7th April, 1936. Government understand that Divisional Superintendents on the Great Indian Peninsula Railway are empowered to discharge and dismiss any staff they are empowered to appoint.

(c) The answer to the first part of the question is in the affirmative. As regards the latter part, Government have no reason to believe that such is the case.

CONNOTATION OF THE EXPRESSION "RAILWAY ADMINISTRATION".

1152. *Mr. Anugrah Narayan Sinha : Will Government be pleased to state what the expression "Railway Administration" exactly connotes ?

The Honourable Sir Muhammad Zafrullah Khan : I would invite the Honourable Member's attention to section 3 (6) of the Indian Railways Act, 1890, a copy of which is in the Library of the House.

INCONVENIENCE AND HARDSHIP CAUSED BY SILTING UP OF A CERTAIN WATERWAY BETWEEN BUXAR AND CHAUSA RAILWAY STATIONS ON THE EAST INDIAN RAILWAY.

1153. *Mr. Anugrah Narayan Sinha : (a) Is it a fact that a representation was addressed to the Agent, East Indian Railway, by B. Jagdeo Sinha, B.A., B.L., of village Pul'a in the Buxar sub-division of the District of Shahabad in Bihar, on behalf of a large number of villagers in the same sub-division in the month of October, 1935, drawing his attention to the great inconvenience and hardship caused by the silting up of the waterway under bridge No. 350, near mile 413, between Buxar and Chausa Railway Stations on the East Indian Railway ?

(b) Is it a fact that the above representation disclosed that the village road running from village Kritpur, P. S. Buxar, as a branch of Chausa-Buxar District Board Road to village Dhansoi and passing

through the waterway under bridge 350 aforesaid, had been blocked by silt deposit, thereby rendering all forms of traffic impassable ?

(c) Is it a fact that the Agent, without acknowledging the representation, directed the local officials to clear up the silt ?

(d) Is it a fact that the local officers removed the silt in such a manner as to cause a ditch to be dug up in the village road where water has now begun to accumulate and has since caused the passage of all vehicular traffic almost impossible ?

(e) Do Government propose to direct the Agent to get the silt in the waterway under bridge 350 completely removed or in the alternative order construction of a cross-road over the railway line at that point to enable the traffic to pass unobstructed ?

The Honourable Sir Muhammad Zafrullah Khan : Enquiries are being made from the Railway Administration and a reply will be laid on the table in due course.

FILLING UP OF A POST OF HIGHER GRADE CLERK IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

1154. *Maulvi Badi-uz-Zaman : Will Government be pleased to state :

(a) whether a post of higher grade clerk (60—6—120—8—200) in the Office of the Chief Auditor, Railway Clearing Accounts, Delhi, fell vacant in August 1934 ;

(b) whether, as per orders of the Auditor General, this post was to be filled by a Muslim ;

(c) whether the Chief Auditor promoted a Hindu typist to that post and declared a post of a typist in the lower grade of 45—5|2—95 as vacant ; if so, why ; and

(d) if the replies to the preceding parts be in the affirmative, what steps they propose to take to check their Hindu Officers from filling the higher graded posts, due to be filled by the Muslims, by promoting the lower grade Hindus ?

The Honourable Sir James Grigg : The information is being obtained and will be laid on the table in due course.

PROMOTIONS TO THE POST OF SUB-HEADS IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

1155. *Maulvi Badi-uz-Zaman : (a) Is it a fact that :

(i) a list of candidates selected for promotions to the post of Sub-Head in the Railway Clearing Accounts Office, was prepared by late Mr. L. S. Dean when he was Director ;

(ii) Mr. K. R. S. Rau promoted certain unqualified non-matriculate non-Punjabi Hindus to the posts of Sub-Heads and confirmed them from the date of their first promotion to the post of Sub-Heads, thus depriving some Muslims, who had officiated continuously for about five years and more and had reached the maximum of the Sub-Heads' grade, of their chance of confirmation and reverting them as clerks ;

(iii) Mr. Rau's successor, Mr. Subrahmanyam, held another selection and placed the men selected by him over the heads of those selected in the time of Mr. L. S. Dean ;

(iv) Mr. P. C. Choudahary, Deputy Director, held a selection of routine clerks considered fit for promotion to the post of clerks and prepared a list for the promotion to clerical grade ; and

(v) Mr. I. S. Pari, Deputy Director, held another selection of routine clerks to give promotion to other non-matriculate Hindus ?

(b) If the replies to the preceding parts be in the affirmative, will Government please state what steps they propose to take to safeguard the rights of Muslims in connection with grade to grade promotions ?

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

(ii) Two very senior Class I clerks were promoted as Sub-heads by Mr. K. R. S. Rau in accordance with the recommendation of the Mitra Committee that men who had already acted as Sub-heads in the offices of the Railways parties to the Railway Clearing Accounts Office should be considered for the posts of Sub-heads in that office. These men were confirmed in preference to certain juniors who had acted longer as Sub-heads.

(iii) Yes. Selections have to be made from time to time, and when senior men are selected on a later date, their seniority is usually restored *vis-a-vis* those selected earlier.

(iv) No.

(v) No.

(b) Promotion is made on merit and seniority and not on communal grounds ; and there is no question, therefore, of safeguarding the rights of any community.

Dr. Ziauddin Ahmad : May I know if persons who were once selected will become junior to those who may be selected afterwards ?

Mr. P. R. Rau : Yes, if the people selected are senior to them.

Dr. Ziauddin Ahmad : Does this rule apply to these services only or does it apply to all the services under the Government of India ?

Mr. P. R. Rau : This is the practice in this office ; that is all I know. I do not know what is the practice in the other Departments of the Government of India.

STOPPAGE OF THE RECRUITMENT OF MATRICULATES AND UNDER-GRADUATES IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

1156. ***Maulvi Badi-uz-Zaman :** (a) Are Government aware that the Chief Auditor, Railway Clearing Accounts Office, has stopped the recruitment of matriculates and under-graduates in his office ?

(b) If the reply to part (a) be in the affirmative, will Government please state the reasons for restricting the recruitment to the graduates

only ? Is it a fact that there are seventeen non-matriculates and nine matriculates and three F. As. already working as clerks class I ?

The Honourable Sir James Grigg : (a) Orders were passed to this effect because competent graduates are readily available. It has, however, been since decided that matriculates and under-graduates should be considered for future vacancies.

(b) The first part does not arise. As regards the other part, the facts are probably as stated.

Mr. Lalchand Navalrai : I could not hear the answer to part (a) of the question. Did the Honourable Member say that the matriculates and under-graduates are barred from future vacancies ?

The Honourable Sir James Grigg : They were at one time, if I may paraphrase the answer, but now the orders have been rescinded.

JOINT INQUIRY BY ACCOUNTS AND TRAFFIC DEPARTMENTS OF THE NORTH WESTERN RAILWAY IN THE ELECTRIC DEPARTMENT.

1157. ***Maulvi Badi-uz-Zaman :** (a) Is it a fact that a joint inquiry by Accounts and Traffic Department of the North Western Railway was held in the Electric Department of that Railway at Lahore ?

(b) If so, what were its findings, and will Government please place a copy of the report on the table for the information of the House ?

The Honourable Sir Muhammad Zafrullah Khan : I would invite the Honourable Member's attention to my reply to Sardar Sant Singh's starred question No. 1339 asked on the floor of this House on the 20th March, 1936.

METHODS OF RECRUITMENT IN THE RAILWAY BOARD.

1158. ***Maulvi Badi-uz-Zaman :** Will Government be pleased to state :

(i) the methods of recruitment of :

(a) assistants, clerks and stenographers, and

(b) draftsmen and tracers,

in the Railway Department Secretariat ;

(ii) the number of men recruited to permanent and temporary categories on the results of examinations and tests, and how many of them are Muslims ; and

(iii) whether, whenever a Muslim is to be taken, a qualifying test is held and, in the case of non-Muslims, no such examinations are held in the case of recruitment to junior draftsmen's posts ? If so, why ?

The Honourable Sir Muhammad Zafrullah Khan : (i) A copy of the recruitment rules of the Railway Department (Railway Board) is laid on the table. No draftsmen or tracers are employed in the Railway Department Secretariat.

(ii) The number of men recruited during the past financial year 1935-36 is indicated below :

How recruited.	Permanent.		Temporary.	
	Total No.	No. of Muslims.	Total No.	No. of Muslims.
Through Home Department	3	..	14	2
From Railway Offices	..	..	2	1
Locally (for short vacancies of less than three months).	..	..	36	14
Total	3	..	52	17

(iii) Does not arise.

Rules of Recruitment in the Office of the Railway Board.

RAILWAY BOARD'S OFFICE.

(1) I Division (Assistants).

1. By promotion from the lower grades of the clerical establishment in the office, or
2. by recruitment of Technically qualified men from railways when required.

(2) II Division (Clerks).

1. By promotion from the III Division provided that suitably qualified clerks who have passed the P. S. C.'s examination for II Division are available, or
2. when such clerks are not available, by direct recruitment through the Home Department.

(3) III Division (Clerks).

By direct recruitment through the Home Department.

(4) Stenographers.

1. By direct recruitment through the Home Department, or
2. by recruiting qualified stenographers from Railways in special service.

STOPPAGE OF RECRUITMENT OF PENSIONABLE HANDS TO NON-PENSIONABLE ESTABLISHMENT OF STATE RAILWAYS.

1159. *Maulvi Badi-uz-Zaman : (a) Is it a fact that Government passed orders that no pensionable hand be recruited to the non-pensionable establishment from the year 1924, of State Railways, unless they held technical qualifications ?

(b) How many pensionable hands have, in contravention of these orders, been recruited on State Railways ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Government are not able to trace any such orders having been issued to the Railways.

(b) Does not arise.

DISCHARGE OF MUSLIM EMPLOYEES ON THE NORTH WESTERN RAILWAY DUE TO ECONOMY CAMPAIGN.

1160. *Maulvi Badi-uz-Zaman : (a) Will the Honourable Member for Railways and Commerce please state how many Muslim employees were discharged on the North Western Railway as a result of economy campaign during 1931-32 ?

(b) Is the Honourable Member for Railways and Commerce aware that vide paragraph 3 of their letter No. 683-E.G., dated 3rd March, 1931 the Railway Board had issued instructions that all practical steps should be taken to see that the unfortunate necessity for reducing staff does not operate to the detriment of the communities not at present adequately represented in railway services ?

(c) What number of the Muslim employees on the North Western Railway was discharged in excess of their proportion which they had in railway services prior to retrenchment ?

(d) What special arrangements were made by the railway authorities to remove the injustice ?

The Honourable Sir Muhammad Zafrullah Khan : Government are informed as follows :

(a) 5,706 Muslims were retrenched.

(b) Yes.

(c) The percentage of Muslims employed before and after the retrenchment of 1931 was 56.16 and 55.71 respectively.

(d) Instructions were issued to subordinate officers to adjust the excess number of Muslims discharged when recruitment was resumed.

BASIS FOR ANTICIPATED REDUCTION IN STAFF ON RAILWAYS.

1161. *Maulvi Badi-uz-Zaman : (a) Will the Honourable Member for Railways and Commerce please state what basis for anticipated reduction in staff has now been fixed ?

(b) What measures have been adopted to safeguard the interests of the Muslim staff ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). I would refer the Honourable Member to the reply given to part (a) of Mr. Mohan Lal Saksena's starred question No. 371, asked on the 4th September, 1936.

Qazi Muhammad Ahmad Kazmi : May I ask if the principle of the absorption.....

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Mr. President (The Honourable Sir Abdur Rahim) : Has the Honourable Member read the question and the answer ?

Qazi Muhammad Ahmad Kazmi : I have. May I ask if the principle of the absorption of the surplus staff before retrenchment that was in force on the North Western Railway and other railways is also in force now ?

The Honourable Sir Muhammad Zafrullah Khan : I replied to that question, I believe, on the last day the House sat.

CONFIRMATION OF QUALIFIED MEMBERS OF THE MINORITY COMMUNITY IN THE CHIEF ACCOUNTS OFFICE, NORTH WESTERN RAILWAY.

1162. ***Maulvi Badi-uz-Zaman** : (a) Is the Honourable Member for Railways and Commerce aware of the Government of India's desire that when a member of a minority community is available and adequately qualified, as for example, when he has passed the departmental qualifying or recruitment examination, such a man should be confirmed in a permanent vacancy over the heads of men who have been employed continuously for several years longer and have qualified earlier, for confirmation, *vide* Auditor General's letter No. 6-N.B.E. 94/E-28/P. II, dated 8th January, 1929 to Accountant General, Railways (now Controller of Railway Accounts) ?

(b) Is the Chief Accounts Officer, North Western Railway, empowered in confirming a man of the majority community out of turn, thus superseding even the qualified minority community men, on the plea that he is appearing in Indian Audit and Accounts Service examination ?

(c) Have any of the qualified Muslim staff been confirmed in terms of the orders mentioned in part (a) above ?

(d) What measures do Government propose to give effect to this letter or any such orders ?

Mr. P. R. Rau : (a) and (d). The orders contained in the Auditor General's letter referred to were superseded in 1934. Government have no reason to believe that the revised orders are not being correctly applied.

(b) Government understand that there was no out-of-turn confirmation. One person was confirmed on grounds of high academic and other qualifications. The question of the confirmation of other temporary employees in accordance with the orders mentioned in the answer to (a) and (d) above is under consideration.

(c) Yes.

STRIKE IN THE BANGALORE TOBACCO FACTORY.

1163. ***Prof. N. G. Ranga** : Will Government be pleased to state

(a) if they are aware of the fact that there was a strike of 2,600 workers employed in the Bangalore Tobacco Factory of the Tobacco Manufacturers (India), Limited, from the 5th May, till the 10th July ;

(b) whether the strikers approached the Honourable Resident with the request to appoint an Arbitration Board and the

he refused to do so on the plea that the employers did not agree ;

(c) whether the strikers thereupon appealed to Government to intervene and help them ;

(d) whether they turned down their appeal on the technical ground that it was not sent through the Honourable Resident ;

(e) whether the workers had agreed to go back to work when the Factory was re-opened, after its temporary closure and yet the employers have refused to take back as many as 1,000 workers who were previously on strike ; and

(f) if the answer to the above be in the affirmative, what action they propose to take to help the workers to get back to work and relieve their distress due to unemployment ?

The Honourable Sir Frank Noyce : (a) Yes. The number of workers involved was reported to be about 1,800.

(b) to (d). The workers submitted a memorial to the Resident requesting the Government to intervene as an "impartial arbitrator" and they were informed that the Resident was not prepared to intervene in the manner suggested at the instance of only one of the parties to the dispute.

(e) Owing to the transfer of machinery and for other reasons, the management informed the workers that they would be re-engaged gradually. About 1,100 employees were at work at the end of August and Government understand that further hands will be engaged when more materials and machinery are received in the factory.

(f) Government cannot force the employers to take workers whom they do not require.

Prof. N. G. Ranga : Have Government satisfied themselves that the other 700 workers are still unemployed not because of the anxiety of the management to victimise them, but because of their inability to employ them owing to want of necessary machinery ?

The Honourable Sir Frank Noyce : The only information I have is that which I have already given to the Honourable Member that further hands will be engaged when more materials and machinery are received.

Prof. N. G. Ranga : Will Government try to use their good offices to see that as many of these 700 men are employed as possible, though gradually, by the factory authorities ?

The Honourable Sir Frank Noyce : I do not think that is the business of the Government. Obviously if Government are to provide for strikers who lose, then very few workmen will remain at work.

Prof. N. G. Ranga : In which other way do Government propose to help them ?

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

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STRIKE IN THE BANGALORE TOBACCO FACTORY.

1164. *Prof. N. G. Ranga : Will Government be pleased to state :

- (a) if they are aware that the workers of the Bangalore Tobacco Factory, when they were on strike and later on, while unemployed, approached the Collector who is also the Municipal President for suspending the collection of rents on their cantonment house sites ;
- (b) whether the Collector was first of all willing to make that concession, after hearing the plea of the Secretary of the workers' union ; and
- (c) whether he refused to make that concession on the ground that he could not recognise the union, which was not recognised by the Honourable Resident ?

The Honourable Sir Frank Noyce : (a) to (c). Government have no information.

Prof. N. G. Ranga : Will Government call for information ?

The Honourable Sir Frank Noyce : No, Sir. The strike is over and it is better to let the dead past bury its dead.

Prof. N. G. Ranga : Is it not a fact that the facts mentioned here are correct and that owing to the failure or refusal of the Collector and the Honourable the Resident, the strikers were put to considerable inconvenience and loss ?

The Honourable Sir Frank Noyce : I see no reason to call for information. As I have said the strike is over and I do not see that any information as to what happened in regard to the suspension or collection of rents would now serve any useful purpose.

EXTENSION OF THE INDIAN TRADE UNION ACT TO THE BANGALORE CANTONMENT.

1165. *Prof. N. G. Ranga : Will Government be pleased to state :

- (a) if the Indian Trade Union Act has been extended to the Bangalore Cantonment ;
- (b) if not, why not ; and
- (c) whether they are aware of the fact that the workers of the Tobacco Company have suffered immensely by their failure to extend that Act to that area and to recognise the Trade Union ?

The Honourable Sir Frank Noyce : (a) No.

(b) The question of applying the Act to the Civil and Military Station, Bangalore, is under consideration.

(c) No.

Mr. V. V. Giri : How long will it be under consideration ?

The Honourable Sir Frank Noyce : Not very long, I hope.

Prof. N. G. Ranga : Are there any other places in India besides the Bangalore Cantonment in which the Trade Union Act has not been extended ?

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

PROTECTION OF THE MONUMENTS OF THE ANCIENT AMARAVATI BUDDHISTIC STUPA IN THE GUNTUR DISTRICT.

1166. *Prof. N. G. Ranga : Will Government be pleased to state :

- (a) if they are aware that the historic monuments of the ancient Amaravati Buddhist Stupa in Guntur District are not properly protected ;
- (b) whether the iron-fencing is not strong and high enough to prevent the theft of some of the valuable marble monuments ;
- (c) whether in fact some of the monuments had been lost in the last ten years ;
- (d) whether the exposure of these monuments to rain, etc., has caused much damage to them ; and
- (e) whether they are prepared to consider the advisability of constructing an open air museum for protecting and properly exhibiting the monuments ?

Sir Girja Shankar Bajpai : (a) The ruins of the Stupa at Amaravati are protected under the Ancient Monuments Preservation Act, 1904, and are properly looked after by a caretaker.

(b) The enclosure of masonry pillars and wooden railings erected by the Archaeological Department around the sculptures provides sufficient protection against theft or damage.

(c) An attempt made by a local village official sometime ago to remove one of the sculptures was detected in time and the man was dismissed.

(d) Some damage was caused by rain to the compound wall which has since been repaired.

(e) The question of protecting the sculptures which are not fixed and which may be exposed to damage by rain, etc., will be examined.

ADVISABILITY OF ESTABLISHING A CENTRAL MUSEUM FOR ANDHRA COUNTRY IN BEZWADA.

1167. *Prof. N. G. Ranga : Will Government be pleased to state if they propose to consider the advisability of establishing a Central Museum for Andhra country in Bezwada and exhibit some of the important sculptural and architectural and historic monuments found in the various Andhra historic places ?

Sir Girja Shankar Bajpai : The Government of India are constructing a Museum at Nagarjunikonda, in which the antiquities recovered in that neighbourhood could be exhibited. The policy of the Government

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of India is to construct local museums in proximity to sites whence important objects of archaeological interest are recovered in sufficient volume to justify this. The establishment of Archaeological Museums on a purely regional basis is not their policy.

HISTORICAL MONUMENTS AT CHELROLE IN THE GUNTUR DISTRICT.

1168. *Prof. N. G. Ranga : Will Government be pleased to state :

- (a) if they are aware of the existence of very valuable historical monuments at Chelrole in Guntur District ;
- (b) whether they are aware that many of them are being lost since ignorant villagers are taking them away or mutilating them ; and
- (c) if not, whether they propose to enquire into the matter and carry on excavations with a view to unearthing valuable monuments in that place ?

Sir Girja Shankar Bajpai : Enquiries are being made and the result will be communicated to the House in due course.

BREACHES ON THE QUETTA DIVISION OF THE NORTH WESTERN RAILWAY.

1169. *Maulvi Badi-uz-Zaman : (a) Is it a fact that some breaches occurred on the Quetta Division in 1931 ?

- (b) Is it a fact that some train loads of fruit traffic were held up on account of the breaches ?
- (c) Is it a fact that the detained fruit trains were taken back to Quetta and the fruit sold there at nominal prices, without obtaining any instructions from the owners ?
- (d) Is it a fact that, in spite of the breaches and probability of detention to fruit traffic, booking of fruit consignment was not stopped ?
- (e) Is it a fact that accumulation of fruit trains was the result of the non-stoppage of booking ?
- (f) Is it a fact that owners of fruit consignments, which were sold by the railway at Quetta, brought a suit against the railway, claiming compensation for the unlawful detention and disposal of their fruit ?
- (g) Is it a fact that the suit was decreed against the railway for about eighty thousand rupees (Rs. 80,000) and an appeal was filed by the railway against the judgment of the Lower Court ?
- (h) Is it a fact that the case was ultimately compromised by the railway ?
- (i) If the replies to the preceding parts be in the affirmative, will Government please state if any enquiry has been made, and whether any disciplinary action has been taken against the officials held responsible in this case and what measures have been adopted to avoid a recurrence ?

The Honourable Sir Muhammad Zafrullah Khan : (a) No.

(b) to (i). Do not arise.

SPECIAL TICKET EXAMINERS IN THE HEADQUARTERS OFFICE, NORTH WESTERN RAILWAY.

1170. *Maulvi Badi-uz-Zaman : (a) Is it a fact that a group of Special Ticket Examiners has been organised in the Headquarters Office, North Western Railway ?

(b) Is it a fact that this group has been authorised to detain passenger and mail trains at stations, or while running between two stations ?

(c) Is it also a fact that this group has been allowed some imprest money to spend on travelling by motor cars or lorries ?

(d) If the reply to part (b) be in the affirmative, will Government please quote particulars of the trains detained by the group, the duration of detention and reasons for the detention ?

(e) Will Government please also state whether they are aware that such detentions caused inconvenience to passengers and whether any extra expenditure was incurred by the railway and the advantage gained by such detentions ?

(f) If the reply to part (c) be in the affirmative, will Government please state the details of the expenditure incurred by the group during the time it had been working ?

(g) Will Government please state the expenditure incurred by the introduction of this group including their pay and travelling allowance and the earnings realised by them ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) and (c). No.

(d), (e) and (f). Do not arise.

(g) No additional expenditure has been incurred, as these Examiners have been transferred from Divisions to the Headquarters Office, and no other men have been engaged in their places. From 4th June to 31st August, 1936, the earnings realised by them were Rs. 2,276.

VACANCIES OF STENOGRAPHERS IN HEADQUARTERS AND DIVISIONAL OFFICES ON THE NORTH WESTERN RAILWAY.

1171. *Maulvi Badi-uz-Zaman : (a) Will Government please state the number of vacancies of the posts of stenographers in grade II and III occurring in the Headquarters Office and Divisional and extra-Divisional Offices on the North Western Railway during the years 1934-35 and 1935-36 ?

(b) Will Government please also state whether these vacancies were advertised as required by the rules and filled by selection, or whether these were filled by promotions and number of such posts given to Muslims and non-Muslims respectively ?

The Honourable Sir Muhammad Zafrullah Khan : Government have no information. These are matters of detailed administration within the competence of the Agent, North Western Railway, to whom a copy of the question has been sent for information.

SCHEME FOR THE CREATION OF A JOINT MARKETING BOARD SUBMITTED BY THE
DIWAN OF COCHIN.

1172. *Mr. T. S. Avinashilingam Chettiar : Will Government state :

- (a) whether the Dewan of Cochin has submitted any scheme for the creation of a Joint Marketing Board ;
- (b) whether they are considering the scheme ; and
- (c) if so, when they propose to give effect to it ?

Sir Aubrey Metcalfe : (a) The Government of India have not so far received any such scheme.

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

REPORT ON THE HEALTH OF MR. SUBHASH CHANDRA BOSE.

1173. *Mr. M. Ananthasayanam Ayyangar (on behalf of Mr. S. Satyamurti) : Will Government be pleased to state :

- (a) whether it is a fact that Dr. Sir Nilratan Sarkar and Dr. K. S. Roy have examined Mr. Subhash Chandra Bose at Kurseong ;
- (b) whether they have received their report on his health ;
- (c) what the report is ; and
- (d) whether they are prepared to place a copy of the report on the table of the House ?

The Honourable Sir Henry Craik : (a) to (d). I have nothing to add to what I have said in the replies given by me to question No. 783 and the supplementary questions arising therefrom. Except that Dr. K. S. Roy was not one of the examining doctors, so far as I am aware.

Mr. M. Ananthasayanam Ayyangar : Has there been any further examination of Mr. Bose ?

The Honourable Sir Henry Craik : I have not heard.

Mr. President (The Honourable Sir Abdur Rahim) : I may point out to Honourable Members that it is not desirable to discuss the health of anybody in this House like that. It is very undesirable.

Pandit Govind Ballabh Pant : Ordinarily I would accept the suggestion of the Chair. But in this case we are putting questions in order to induce Government to release the person concerned on the ground of ill health.

Mr. President (The Honourable Sir Abdur Rahim) : The previous question went into all sorts of details about the health of Mr. Bose.

Mr. Mohan Lal Saksena : This question was originally put as a short notice question and it was because it was not accepted as a short notice question that it came on the regular list of questions.

Mr. President (The Honourable Sir Abdur Rahim) : All the previous questions relating to Mr. Bose were discussed in great detail.

Pandit Govind Ballabh Pant : According to our information Mr. Bose is in very poor health. From the medical report, it appears that his further detention will prejudice his health further. So we wanted to bring

it to the notice of the public that a man of the position of Mr. Bose even though suffering from such illness and in such a predicament was still being kept in jail by the Government.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member was perhaps not in his place when the matter was discussed the other day and too many details were gone into about his health. I pointed out at the time that if Mr. Bose was seriously ill it was perfectly right to bring it to the notice of the Government, but it was undesirable to discuss his illness in such detail.

Pandit Lakshmi Kanta Maitra : How else are we to get detailed information about his health ?

Mr. President (The Honourable Sir Abdur Rahim) : You can get it without going into all sorts of details.

Pandit Lakshmi Kanta Maitra : It is because we get very scrappy information from the Treasury Benches that we are obliged to put questions very often.

INDIAN DELEGATION TO MALAYA TO STUDY LABOUR IMMIGRATION CONDITIONS.

1174. *Mr. M. Ananthasayanam Ayyangar (on behalf of Mr. S. Satyamurti) : Will Government be pleased to state :

- (a) whether they have settled the personnel of the proposed Indian Delegation to Malaya to study labour immigration conditions there ;
- (b) whether the Right Honourable V. S. Srinivasa Sastri has been invited and has accepted to serve on the Delegation ; and
- (c) whether any member or members of the Assembly will be included in the Delegation, and if not, why not ?

Sir Girja Shankar Bajpai : (a), (b) and (c). The matter is still under consideration.

CEYLON GOVERNMENT RAILWAY CONTRACT FOR THE SUPPLY OF COAL.

1175. *Pandit Lakshmi Kanta Maitra : (a) Will Government be pleased to state if it is a fact that India has received the Ceylon Government railway contract for the supply of coal for the next year ?

(b) If the answer to the above be in the affirmative, will Government be pleased to state :

- (i) the total quantity contracted for ;
- (ii) the value of the contract ; and
- (iii) the names of the companies with whom the contract has been placed ?

(c) Was any tender for the supply of coal given on behalf of the Indian Railway Collieries ? If so, at what rates ?

(d) Do Government propose to help the industry by granting a reduction in the railway freights, so as to enable the Indian colliery owners to successfully compete against African coal ? If not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) It would appear from information published in the press on the subject that India has received the Ceylon Government Railway Contract for the supply of coal for next year.

(b) Government have no information.

(c) No.

(d) Railways are already allowing for coal consigned to Calcutta for shipment a rebate of $37\frac{1}{2}$ per cent. of the freight on graded coal and 25 per cent. on other than graded coal, besides exempting all such coal from the surcharge of $12\frac{1}{2}$ per cent. on the freight charges which ordinarily apply for bookings to Calcutta. For exports to foreign ports, i.e., ports outside India and Burma, a further rebate of eight annas per ton is also being allowed from 1st October, 1936.

Pandit Lakshmi Kanta Maitra : May I know from the Honourable Member if his Department has got no definite information about it except what is published in the Press ?

The Honourable Sir Muhammad Zafrullah Khan : I believe the Press report is correct.

Pandit Lakshmi Kanta Maitra : May I know if the Honourable Member knows whether these contracts have been settled with Indian companies ?

The Honourable Sir Muhammad Zafrullah Khan : That I am not specifically aware of, but it has been placed with companies in India.

Pandit Govind Ballabh Pant : Is the Honourable Member aware that other Governments extend a number of facilities and concessions to their nationals in order to promote external trade ?

The Honourable Sir Muhammad Zafrullah Khan : I have pointed out that several concessions are being given in this respect.

Pandit Govind Ballabh Pant : Does the Honourable Member consider them adequate ?

The Honourable Sir Muhammad Zafrullah Khan : Certainly.

Pandit Govind Ballabh Pant : Has the question been examined in the light of the concessions that have been enlarged in other countries ?

The Honourable Sir Muhammad Zafrullah Khan : The question was examined in the light of securing the Ceylon contract for the Indian collieries.

CONTRACT FOR THE CONSTRUCTION OF THE HOWRAH BRIDGE.

1176. ***Pandit Lakshmi Kanta Maitra :** (a) Will Government be pleased to state if the contract for the construction of the new Howrah Bridge has been finally settled with the Cleveland Engineering Company of Great Britain ?

(b) What is the total value of this contract ?

(c) What was the difference between the tenders of the Cleveland Company and the Indian Combine ?

(d) In settling this contract with the foreign company have Government made it a condition that the company will purchase its materials, such as, iron, steel, cement, paint, timber, concrete and other requisites, as far as possible, from India and Indian concerns ? If not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) I would refer the Honourable Member to the answer given by me on the 24th September, 1936, to Mr. T. S. Avinashilingam Chettiar's question No. 585.

(b) and (c). The Government of India have no information.

(d) I understand that the Government of Bengal have made it a condition of their approval that the Cleveland Bridge and Engineering Company will purchase in India the whole of the structural steel work obtainable in this country if they can settle reasonable terms with the Indian manufacturers, but that no such condition has been imposed as regards the purchase of other materials.

I may add that I have no doubt the Honourable Member has noticed in the news yesterday that an understanding has been arrived at between the Cleveland Company and the Indian Steel Company with regard to the purchase of structural steel.

Pandit Lakshmi Kanta Maitra : It is a vague sort of report. Does not the Honourable Member have anything more definite to add ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Pandit Govind Ballabh Pant : Was this the lowest tender that the company offered ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I cannot say without notice.

Pandit Lakshmi Kanta Maitra : What is the value of the contract finally settled with Cleveland Bridge and Engineering Company ?

The Honourable Sir Muhammad Zafrullah Khan : I have no information.

THE MANOEUVRES FIELD FIRING AND ARTILLERY PRACTICE BILL.

Mr. G. R. F. Tottenham (Defence Secretary) : Sir, I beg to move for leave to introduce a Bill to provide facilities for military manoeuvres and for field firing and artillery practice.

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

"That leave be granted to introduce a Bill to provide facilities for military manoeuvres for field firing and artillery practice."

The motion was adopted.

Mr. G. R. F. Tottenham : Sir, I introduce the Bill.

THE GENEVA CONVENTION IMPLEMENTING BILL.

Mr. G. R. F. Tottenham (Defence Secretary) : Sir, I beg to move :

"That the Bill to implement Article 28 of the Geneva Convention of the 27th day of July, 1929, be taken into consideration."

As a result of the Geneva Convention of 1906 an Act of Parliament was passed in 1911 known as the Geneva Convention Act. Section 1 of that Act prohibits the unauthorised use of the emblem of the Red Cross, the object of course being to protect the Red Cross Society which is authorised to use that emblem. The provisions of that Act were applied to India by Order in Council, under which the Secretary to the Government of India in the Army Department has the power to authorise the use of this emblem by persons or societies or firms other than the Red Cross Society. I may say that as far as I know the Secretary to the Government of India in the Army Department has only exercised that power on two occasions, both for short periods. And as far as I know the Indian Red Cross Society is at the moment the only society or body in India that is authorised to use the Red Cross emblem. In 1929 a further conference was held at Geneva which was attended by representatives of most of the nations in the world. That conference dealt with two main subjects, firstly, the amelioration of the condition of the wounded and sick in armies in the field, and secondly, the treatment of prisoners of war. India was represented at that conference by a senior officer of the Indian army who was specially selected because he had himself been a prisoner of war and therefore could speak with first-hand knowledge of this subject. As a result of that conference two new Conventions were drawn up on these two subjects, and of course today we are only concerned with the first of these Conventions, and incidentally, with only one provision of it. The Convention dealing with the amelioration of the condition of the wounded and sick in armies in the field contains 39 Articles of which six Articles deal with the Red Cross, its use as an emblem and the manner in which it is to be worn and displayed. This particular Article 28 with which we are now concerned reads as follows :

"The Governments of the High Contracting Parties whose legislation is not at present adequate for the purpose shall adopt or propose to their legislatures the measures necessary to prevent at all times

(a) the use of the emblem or designation 'Red Cross' or 'Geneva Cross' by private individuals or associations, firms or companies, other than those entitled thereto under the present convention, as well as the use of any sign or designation constituting an imitation, for commercial or any other purpose ;

(b) by reason of the compliment paid to Switzerland by the adoption of the inverted federal colours, the use by private individuals or associations, firms or companies, of the arms of the Swiss Federation or marks constituting an imitation, whether as trade marks or as parts of such marks, for a purpose contrary to commercial honesty or in circumstances capable of wounding Swiss national sentiment.

The prohibition indicated in (a) of the use of marks or designations constituting an imitation of the emblem or designation of the Red Cross or Geneva Cross, as well as the prohibition in (b) of the use of the arms of the Swiss Federation or marks constituting an imitation, shall take effect as from the date fixed by each legislature and not later than five years after the coming into force of the present convention. From the date of such coming into force it shall no longer be lawful to adopt a trade mark in contravention of these rules."

Now, Sir, the Government of India and I think the Governments of all the other countries that attended that conference formally agreed to ratify

this Convention, and the five years' period allowed under the Article which I have just read out is due to expire before the end of this year. The House may wonder why we have taken so long to implement our undertaking. The reason for that, Sir, is that the matter of the use of the Red Cross emblem is, as I have already explained, regulated by an Act of Parliament, the Geneva Convention Act of 1911, and under the present Government of India Act, this Legislature is not competent to enact any legislation which may affect an Act of Parliament which has been so applied to India. We have therefore been waiting for Parliament in England to take action, and unfortunately so far they have been unable to do so. Meanwhile it is competent for this Legislature to implement the other portions of that Article of the Convention that I have just read out ; that is to say, it is within the power of this Legislature to legislate regarding the imitation of the Red Cross, the use of the White Cross and the imitation of the White Cross. And that, Sir, is just what this Bill proposes to do.

Now, Sir, I should just like to add two general remarks before I finish. In the first place, I should like the House to remember that the Red Cross organisation, although it is primarily intended for the relief of suffering in war, is also authorised by its charter to pursue similar humanitarian activities in peace. And those who have any knowledge of the work of the Indian Red Cross Society are well aware of the very excellent work that they have been doing in that direction during the last 16 years since the war. In the second place, so far as we are aware, this Bill will not impose a hardship on anybody in India, for as far as we know, there is no firm or company at present which is using either the Red Cross or the White Cross or imitations thereof as a trade mark or for any other purpose. Even if there were such a case, it will be seen that there is a provision in the Bill to prevent any criminal Court from taking cognisance of any offence made punishable by the Act, without the previous sanction of the Governor General in Council or of the Local Government. And if the House considers that that does not provide a sufficient safeguard, I may say at once that I shall be quite prepared to accept an amendment which will ensure a reasonable period of grace for those persons, if any, who are now using any of the signs or emblems the use of which will be made an offence by this Bill. I may also make it clear now that I am prepared to accept the amendment on the paper to clause 3 of the Bill, for reasons which I shall be prepared to explain later if that amendment is moved. Sir, I move.

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

"That the Bill to implement Article 28 of the Geneva Convention of the 27th day of July, 1929, be taken into consideration."

There is a motion by Mr. Sri Prakasa that the Bill be circulated for the purpose of eliciting opinion thereon.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I move :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1936."

I would confess straightaway that I have no desire to obstruct the passage of this Bill. But I thought by putting in this amendment that I shall *ipso facto* catch your eye and be in a position to say what I have to say at once.....

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Mr. President (The Honourable Sir Abdur Rahim) : If the Honourable Member really does not want to move his amendment, there is no necessity for him to do so : he can speak on the motion for consideration without moving this amendment.....

Mr. Sri Prakasa : Yes, Sir ; I have no desire to press this amendment.

Mr. President (The Honourable Sir Abdur Rahim) : Then the Honourable Member need not move the amendment : does he want to speak on the motion ?

Mr. Sri Prakasa : Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim) : Very well ; but that is not a fair way of doing it. If he had only got up, he would probably have been called.

Mr. Sri Prakasa : I just wanted to clear one or two points, and I am sorry if I have adopted a procedure that I ought not to have adopted. This Legislature as it is constituted has practically no opportunities of discussing international subjects or subjects connected with war or peace. Normally every legislature in the world discusses such subjects, but we are barred from doing so ; and we only get opportunities now and then of talking on such important matters through the backdoor of the League of Nations, because we happen to be a member thereof. So far as the organisation of the army in our country is concerned, it is entirely the business of the Government ; and we are never required nor expected to take any part in the defence of our own country. The Red Cross organisation, as my Honourable friend, Mr. Tottenham, himself has said is meant mainly to give relief to those who fight on the field of battle and get wounded in the bargain. I have personally absolutely no objection to the Red Cross organisation functioning for purposes of peace ; and looking after the health of the people around ; but I am not quite sure if an organisation of this sort does not encourage war. I personally am against all war ; and circumstances being what they are, I think my country must resist going to war in any circumstances. I have a feeling that if that great lady, Florence Nightingale, had never functioned, and if the nations had realised the horrors of the Crimean war, they would have thought it best to stop all war and would have taken steps to see that no war was waged after that. But arrangements for looking after soldiers encourage people to join the army. They feel that they will be looked after, that their families will be looked after ; and therefore it is quite safe to be in the army. Thus they encourage war. I have a small experience of my own which may perhaps be helpful in understanding the wider implications of the situation. We have Seva Samiti organisations in India. I myself have been closely connected with one in my own town of Benares. We started the organisation in order to take care of pilgrims and others who come to the city in large numbers from time to time. Now, the talk has gone round that there are these Seva Samiti people who take care of pilgrims ; and so instead of the numbers getting less, more and more are now coming, adding to the burden of the town and adding to our own difficulties. I have a feeling that a similar experience must be that of the Red Cross organisation, and that if we have no organisations of this sort perhaps we shall not have war.

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Of course I have heard in this House a great deal about the traditions of the Indian Army, and what wonders they have done. I fear I am not in love with the traditions of the Indian Army at all. From the time of the siege of Arcot where our soldiers drank the gruel and gave the rice to persons who were trying to capture our country, down to their exploits at Addis Ababa only the other day through the Jamat of the Boxer, Bora and Great Wars.....

Mr. President (The Honourable Sir Abdur Rahim) : I think the Honourable Member is wandering over a very wide field ; he must confine himself to the Bill : the Bill is a very narrow Bill and I do not see why the Honourable Member should wander into all sorts of things.

Mr. Sri Prakasa : As the preamble of the Bill talks of the amelioration of the conditions of the wounded and sick in armies in the field.....

Mr. President (The Honourable Sir Abdur Rahim) : That may be ; but it is not therefore necessary to discuss all the wars that have taken place. If the Honourable Member wants to oppose the Bill he can do so on any ground he likes.

Mr. Sri Prakasa : I thought that soldiers could only be wounded in a war, because at other places they inflict wounds.....

Mr. President (The Honourable Sir Abdur Rahim) : I must ask the Honourable Member to confine himself to the provisions of the Bill.

Mr. Sri Prakasa : I shall bow to your ruling, Sir. I will only say that it seems to me that this Bill wants to make the Red Cross organisation a sort of monopolist in the matter of giving relief. They do not want evidently other parties to be moved with the same good feelings that move them, and so they want to reserve for themselves certain emblems which they do not want others to use. If they were a trading organisation I could have no objection. But I take it that they are not a trading organisation at all, and that the purpose of the organisation is to be helpful to others in distress. If so, I think they should welcome the assistance that similar other organisations may be able to give them and not necessarily confine all the good work to themselves. I do not know how exactly that can be done, but perhaps Mr. Tottenham will be able to explain the situation. As regards this monopoly about a sign, if you will permit me to say so, I will say that the old Indian sign of Swastika is being badly misused in Germany.....

Mr. President (The Honourable Sir Abdur Rahim) : This Bill has nothing to do with that.

Mr. Sri Prakasa : I was just going to say that as the Government wants to protect one sign they might also protect another sign ; and I may bring this matter to the notice of the Government that the Swastika is a sign really of peace which is being used, I fear, for purposes of war in Germany.

Before I close, Sir, I will say that one thing in Mr. Tottenham's speech I could not understand, and that was when he said that there was a five-year limit to the introduction of this measure and that that five-year period is going to end soon. According to the little mathematics that I know, five years from the 27th July, 1929 expired on the 27th July, 1934.

Mr. G. R. F. Tottenham : May I explain that the period of five years dates from the ratification by the Government concerned of the Convention? The Convention itself was passed in 1929, at Geneva, but it was some years later, not until 1931, that it was actually ratified by the Government of India and of the United Kingdom.

Mr. Sri Prakasa : I have nothing more to say, and I have said all that I wanted to say on this Bill. I hope that my Honourable friend, Mr. Tottenham, will take my remarks in the spirit in which they have been made and also give me some satisfaction regarding the difficulties that I have raised.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : The object of this Bill is to prevent or prohibit the imitation of the heraldic emblem of the red cross and also to prevent or prohibit the use of the heraldic emblem of the white cross on a red ground or any imitation thereof. This is said to be made in accordance with the Geneva Convention which was entered into on the 27th July 1929 to which the Government of India was also a party. At this stage I wish to say that the provisions in the Bill are much wider than the terms of the Convention to which the Government of India was a party. The object of the Convention was to prevent the use, as a trade mark for trade or commercial purposes, of either the red cross or any imitation thereof, or the Swiss heraldic emblem or the Swiss Federal colours, the white cross on a red background.

Mr. President (The Honourable Sir Abdur Rahim) : I understand that the Honourable Member has given notice of a number of amendments which the Honourable Member for Government is prepared to accept.

Mr. M. Ananthasayanam Ayyangar : I shall close with a few words. Accordingly to narrow down the scope of the Bill to the exact terms of the Convention, I have given notice of amendments which have also been perused by the Honourable the Mover of the Bill. As regards the first portion regarding the prevention or prohibition of imitations of the red cross, I beg to differ from the Honourable the Mover for this reason, that it is not covered by the terms of the Convention. His reading of the terms of the Convention to mean that it is covered by the Convention is, with great respect, I am afraid a little incorrect. The red cross ought not be used either as a trade mark or for other purposes, except with the permission of the Army Secretary in India, as, by an Order in Council the Act of Parliament of 1911 has been extended even to India. In pursuance of the Act of Parliament it is further open to the Army Secretary to give permission to any association to use the red cross as an emblem. When that is possible, I see no objection to an imitation thereof being used by any association or organisation here. With the humanitarian objects with which the Red Cross is established all over the world with a number of branches, voluntary aid societies have also been started in various countries with various emblems, some resembling red cross and others with a red crescent and so on. I do not see any reason why, when it is open to associations or to a body of persons to have the emblem of the red cross, why an imitation thereof should be prohibited when the original can be used. In the Statement of Objects and Reasons, the Honourable the Mover has stated that it is the intention of the Governor General in Council to prevent by a departmental rule the granting of licenses or granting of authority by the Army Secretary for the use of the emblem by associations. I would

with very great respect that we ought not to enlarge the scope of the Bill or otherwise restrict the powers granted even by the Order in Council. There ought to be no objection to the Army Secretary continuing to recognise the various voluntary aid associations in this country which might use the emblem of the red cross, provided the purposes for which the association is started are the same as those for which the Red Cross was started. If that power is not exercised, what would happen is that every association that is started here must affiliate itself to the Red Cross Society in India. There may be some regulations here and there which may not be in conformity with the regulations of the Red Cross Society; while giving the same object, in some detail there may be some difference and method also. In those circumstances, it must be left to each individual society to develop its own red cross organisation according to its temperament and its needs. Therefore, I do not agree with the Army Secretary when he states in the Statement of Objects and Reasons that the power he now exercising under the Order in Council ought to be withdrawn by a departmental rule. I do not agree with the Honourable Member so far as this portion of the Bill is concerned. With regard to the other amendments that I have suggested, I understand the Honourable the Mover is freeable to accept them, and I shall move them in due course.

Mr. G. R. F. Tottenham : Perhaps the House will expect me just to explain the two points in the debate which were relevant to this Bill, one raised by Mr. Sri Prakasa and the other by my Honourable friend, who has just sat down. My Honourable friend, Mr. Sri Prakasa, wanted to know how it would be possible for societies and associations who wanted to use this emblem to do so. I would draw his attention to section 9 of the Indian Red Cross Society Act, with which we shall deal later on. Section 9 says :

"The Managing Body (of the Indian Red Cross Society) may also affiliate to the society any other society or body having all or any of the objects and purposes referred to in this Act."

Therefore, it is quite open to any society in this country which wishes to have the honour of using the red cross emblem, if its objects are of the same nature as those of the Red Cross, to apply for affiliation. That leads me on to the point made by my Honourable friend, Mr. Ayyangar.

Mr. Sri Prakasa : There was a second point made by me, and that was, whether an organisation like this does not encourage war?

Mr. G. R. F. Tottenham : That I am afraid I cannot deal with. I do not agree that it is a matter which this Bill will affect one way or the other. I sympathise with some of the purposes which the Honourable Member has in mind, but, if I may say so, I do not think any action we can take in connection with this Bill will have any practical result in that direction.

As regards the other point raised by my Honourable friend, Mr. Ayyangar, I think it was that so long as the use of the Red Cross can be authorised, as it can be under the present law, it is unreasonable to prohibit absolutely the imitation of the Red Cross. I agree that there is a small anomaly there, but the anomaly, as I tried to explain, is due to the fact that we cannot at the present moment alter the existing law, which is contained in an Act of Parliament which is applied to India. We are prohibited from altering the provisions of that law. If we were not prohibited from altering the provisions of that law, we should have put down

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in this Bill an absolute prohibition, not only against the use of imitations, but also against the use of the emblem, because what we have to do, if we are going to do anything at all, is to implement the Article of the Convention which I have read out. That Article goes further than the Convention of 1906 in that it wishes to apply an absolute prohibition to the use of the emblem and also to the use of imitations of the emblem. That is the object of part (a) of Article 28. Meanwhile, until we can legislate in this country to give full effect to that part of Article 28 of the Convention, the only possible course we can pursue if we wish to implement that Article is the course that is indicated in the Statement of Objects and Reasons; that is to say, we legislate for a complete prohibition of imitations of the Red Cross, and the Government of India will issue executive instructions that the Army Secretary is not to use the discretion which is given to him under the Geneva Convention Act of 1911. It is either a question of implementing this Article or refusing to implement it, and I think we are bound as far as we can to implement the full meaning and purport of that Article.

Maulana Shaukat Ali (Cities of the United Provinces : Muhammadan Urban) : May I ask the Honourable Member if the Red Crescent Society is recognised by the Geneva Convention? In Turkey and other countries they have a Red Crescent Society, and it has branches all over India, and it sent a medical mission during the Balkan War. I want the information so that the society may carry on its activities in India without any hindrance.

Mr. G. R. F. Tottenham : I am afraid, I have no definite official information about the Red Crescent Society, but I can inform the Honourable Member that what we are doing in this Bill will not in the least interfere with the activities of that society.

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

"That the Bill to implement Article 28 of the Geneva Convention of the 27th day of July, 1929, be taken into consideration."

The motion was adopted.

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

"That clause 2 stand part of the Bill."

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I move :

"That in clause 2 of the Bill, the words 'or for any other purpose whatsoever' be omitted."

I listened very closely to the speech of the Defence Secretary and I regret that I do not find myself in agreement with him. This Bill has been introduced here with a view to give effect to the convention. It says :

"Whereas India was a signatory to the International Convention for the Amelioration of the Conditions of the Wounded and Sick in Armies in the Field, drawn up in Geneva and dated the 27th day of July, 1929 ;

And Whereas it is necessary to provide for the discharge of the obligations imposed by Article 28 of that Convention in so far as provision has not been made by the Geneva Convention,

and so on.

This is clearly an effort to implement the convention passed at Geneva. Now, the convention does not go as far as this Bill. It only restricts the use of the Red Cross or the Geneva Cross and the emblem to non-commercial purposes. So the last paragraph is quite clear. It is :

"The prohibition indicated in (a) of the use of marks or designations constituting an imitation of the emblem or designation of 'Red Cross' or 'Geneva Cross', as well as the prohibition in (b) of the use of the arms of the Swiss Confederation, or marks constituting an imitation, shall take effect as from the date fixed by each legislature, and not later than five years after the coming into force of the present Convention. From the date of such coming into force, it shall no longer be lawful to adopt a trade-mark in contravention of these rules."

The only thing that is prohibited here is the use of a trade mark in contravention of these rules. A trade mark is defined in the Indian Penal Code as a mark for denoting that goods are the manufacture or merchandise of a particular person. That is the only prohibition under the Convention.

Mr. G. R. F. Tottenham : May I ask how the Honourable Member would get over the last words in part (a) of the Article—"for commercial or any other purposes"?

Pandit Govind Ballabh Pant : Any other purposes, according to the principle of *Ejusdem generis*, apply only to other purposes of the same type. Any other purpose does not mean every purpose. The operative part is given in the Act. I think the Honourable the Commerce Member will perhaps support my argument that where we have got a clause like this, for commercial or any other purpose, it means a purpose coming within the same genus, of the same type.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways) : It would depend upon the context. It may mean what it says in some cases.

Pandit Govind Ballabh Pant : For that, you have a clause in the Act as to the operative part of this entire convention. What is prohibited is that from the date of its coming into force, it shall no longer be lawful to adopt a trade mark in contravention of these rules. That applies as much to the Red Cross as to the White Cross and the emblem, but the operative part of this Convention is limited to the prohibition of a trade mark in contravention of these rules. If you take the whole of it, the meaning is clear enough and there is no room for any ambiguity. We do not want to depart from this Convention but we do not want to enlarge its scope, and it looks somewhat preposterous, if not ridiculous, that while the Red Cross itself is not altogether barred out, the use of the emblem or its imitation should be absolutely forbidden, that the use of the emblem should not be allowed for any purpose whatsoever. On the face of it, it is very illogical and incongruous. So I hope that the Defence Secretary will accept my amendment as it fully carries out the Convention. I do not want to interfere with the Convention and if he reads the whole of the Convention, it will be perfectly clear that the Convention does not require us to do more than this—namely, that a trade mark in contravention of these rules will be regarded as unlawful after the date of the coming into force of any law on the subject framed with a view to carry out the purpose of the Convention.

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

"That in clause 2 of the Bill, the words 'or for any other purpose whatsoever' be omitted."

Mr. G. R. F. Tottenham : I regret that I am unable to agree with the Honourable Member in his interpretation of part (a) of Article 24. I cannot possibly agree that the words 'for commercial or any other purpose' means 'any other similar purpose'. If they had meant that, they would obviously have put it down, and I am fortified in that opinion by the actual wording of the existing Geneva Convention Act of 1911 which, as I explained before, is simply being extended by the Geneva Convention of 1929, and which prohibits the use of the emblem of the Red Cross without authority. It reads exactly as in the wording of our Bill today :

"As from the commencement of this Act, it shall not be lawful for any person to use for the purpose of his trade or business or for any other purpose whatsoever, without the authority of the Army Council,"

and so on.

What we are doing now is simply to extend the prohibition to imitations of the Red Cross. I do not think therefore that we should be implementing the provisions of this Convention if we were to agree to the omission of those words in clause 2. I am perfectly prepared to agree to the omission of the same words in clause 3, because I think a careful reading of part (b) of the article does make clear that the prohibition was intended only to refer to trade marks, and not to other purposes, but I am quite sure myself that part (a) was intended to create a prohibition, not only against trade marks, but also other marks used for any other purposes. Obviously that is so, because if it were not so, it would be possible for some society with philanthropic objects of a different nature to arrogate to itself a mark or emblem in imitation of the Red Cross; and that is exactly what this Convention was intended to prevent. I, therefore, regret that I am unable to accept this particular amendment.

Mr. M. Ananthasayanam Ayyangar : Sir, my Honourable friend, the Honourable the Mover, is anxious to implement the Geneva Convention. We agree, for the reason that India was a party to the Geneva Convention that we ought to implement it without altering it by either a comma or a dash, but the only difficulty is with regard to the interpretation. Firstly, I would ask my friend to consider whether he is right to interpret the Geneva Convention, which came into existence in 1929, by the language of the statute of 1911. What follows ought not to be interpreted by what has preceded it; this Convention has nothing to do with the English Act. Secondly, with regard to the Convention as it stands, if we look at the operative portion, it is absolutely clear that the operative portion gives us a definite clue as to the intention of the Convention with regard to restricting it to the trade mark. I would therefore say, with respect, that it only applies to the purposes of the trade marks and to no other purposes. Thirdly, so far as imitation is concerned, there is absolutely no reason to go into the Act of 1911 which does not provide for legislation prohibiting imitation. We are absolutely free to legislate, so far as the preventing of imitation is concerned, as it is not covered by the Convention. If we go back to the Act of 1911, even then it is open to the Army Secretary to give permission for the use of the Red Cross, the symbol itself, and therefore, if, to make use of an imitation is absolutely improper or prohibited absolutely by this Bill, then it will not be open to

the Army Secretary to give the permission. Under these circumstances, submit the Honourable the Mover is not right in his interpretation that the Act of 1911 can be any guide to us so far as this Convention is concerned. Sir, I support the amendment.

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

"That in clause 2 of the Bill, the words 'or for any other purpose whatsoever' be omitted."

The motion was negatived.

Mr. M. Ananthasayanam Ayyangar : Sir, I move :

"That in clause 2 of the Bill, for the words 'an imitation' the words 'a colourable imitation' be substituted."

My only object is to see that as the term "imitation" is indefinite, the imitation punishable under the Bill must be such as to deceive a person into an impression that it is the original. It is for that reason that the word "colourable" is introduced.

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

"That in clause 2 of the Bill, for the words 'an imitation' the words 'a colourable imitation' be substituted."

Mr. G. R. F. Tottenham : Sir, I am quite prepared to accept this amendment.

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

"That in clause 2 of the Bill, for the words 'an imitation' the words 'a colourable imitation' be substituted."

The motion was adopted.

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

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

The motion was adopted.

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

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

"That clause 3 stand part of the Bill."

Pandit Govind Ballabh Pant : Sir, I move :

"That in clause 3 of the Bill, the words 'or for any other purpose whatsoever' be omitted."

I understand my friend, the Honourable the Defence Secretary, is prepared to accept it. I move.

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

"That in clause 3 of the Bill, the words 'or for any other purpose whatsoever' be omitted."

The motion was adopted.

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Mr. M. Ananthasayanam Ayyangar : Sir, I move :

"That in clause 3 of the Bill, for the words 'an imitation' the words 'a colourable imitation' be substituted."

The same reasons apply to this amendment as those applying to the same matter in the case of the previous clause.

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

"That in clause 3 of the Bill, for the words 'an imitation' the words 'a colourable imitation' be substituted."

The motion was adopted.

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

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

The motion was adopted.

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

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

"That clause 4 stand part of the Bill."

Mr. M. Ananthasayanam Ayyangar : Sir, I move :

"That in clause 4 of the Bill, for the words 'one hundred' the word 'fifty' be substituted."

Sir, it is only a case of reduction of penalty. I move.

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

"That in clause 4 of the Bill, for the words 'one hundred' the word 'fifty' be substituted."

Mr. G. R. F. Tottenham : Sir, the reason why we put Rs. 100 in this section was because the English Act at present contains a penalty of £10, and we generally convert £10 into Rs. 100. Although I do think that it is somewhat unreasonable to make a petty amendment of this kind, on the other hand my whole attitude about this Bill is that it will probably be a dead letter and will never be used, because no person or society is at present making, or will in the future be likely to make, unauthorised use of this emblem. That being so, I cannot very well object to my Honourable friend's amendment.

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

"That in clause 4 of the Bill, for the words 'one hundred' the word 'fifty' be substituted."

The motion was adopted.

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

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

The motion was adopted.

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

Clause 5 was added to the Bill.

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Mr. M. Ananthasayanam Ayyangar : Sir, I move :

"That after clause 5 of the Bill, the following new clause be inserted :

6. Nothing in the foregoing sections shall affect the right of any person to continue to use for a period of two years from the commencement of this Act any sign or emblem which it was not unlawful for him to use at the commencement of this Act."

Sir, I only want that for a period of two years after the coming into stence of this Act a prosecution ought not to be launched. Some time st be given for these persons using these marks to cease to do so and e up some other mark. A similar provision is made in the English Act 1911 and I therefore hope that the Defence Secretary will kindly accept s amendment.

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

"That after clause 5 of the Bill, the following new clause be inserted :

6. Nothing in the foregoing sections shall affect the right of any person to continue to use for a period of two years from the commencement of this Act any sign or emblem which it was not unlawful for him to use at the commencement of this Act."

Mr. G. R. F. Tottenham : Sir, I am prepared to accept this amend- nt. Strictly speaking, I think the correct drafting would be :

"nothing in section 2 or section 3.....",

cause there is no other part of the Bill that can possibly affect this ht ; it is only section 2 or section 3 that could possibly do so. However, imagine there is no legal objection to saying "nothing in this Act".

I am prepared to accept the amendment.

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

"That after clause 5 of the Bill, the following new clause be inserted :

6. Nothing in the foregoing sections shall affect the right of any person to continue to use for a period of two years from the commencement of this Act any sign or emblem which it was not unlawful for him to use at the commencement of this Act."

The motion was adopted.

New clause 6 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. G. R. F. Tottenham : Sir, I move :

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

The motion was adopted.

THE INDIAN RUBBER CONTROL BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways) : Sir, I beg to move :

"That the Bill to amend the Indian Rubber Control Act, 1934, for certain purposes, be taken into consideration."

As Honourable Members are aware, the export, production and stock- ing of rubber is at present regulated by an Inter-Governmental Agree- ment. The Indian Rubber Control Act of 1934 was passed in order to mplement that Agreement. It has not yet been brought into force because

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the by-laws and rules to be framed under it were not ready. It has in the meantime been discovered that, though that Act makes provision for the Governor General in Council to fix quotas for India and Burma on a yearly basis, the International Rubber Control Committee often fixes quotas on a six monthly and sometimes even on a three monthly basis. It has, therefore, become necessary to amend that part of the Act and to bring it into conformity with the practice of the International Committee. Advantage has also been taken of this opportunity to amend certain definitions in the Act, which do not affect the actual operation of the Act to any very large degree, in order to bring those definitions into conformity with the Inter-Governmental Agreement. The Bill is a purely formal Bill and I do not think the House will need to spend too much time in considering it. Sir, I move.

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

"That the Bill to amend the Indian Rubber Control Act, 1934, for certain purposes, be taken into consideration."

Mr. Ghanshiyam Singh Gupta (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, we have not heard from the Honourable the Mover of this Bill as to why this Act which was passed in the year 1934 remained in abeyance for such a long period. One reason given was that owing to certain difficulties some time was taken in framing the rules and regulations. If that time was taken, what was the effect on the general agreement of India with other countries so far as the export of rubber was concerned during this period between the year 1934 and 1936? We expected that some light would be thrown on this important matter as to how we fared during this interval when the Act itself was kept in abeyance. Now, the other important matter on which light was necessary was about the fixation of quota. During the debate in the year 1934 it was pointed out that the quota fixed for India at that time was not fair and it was then pointed out that the unfairness resulted for two reasons. One reason given was that the total acreage of rubber cultivation was not properly assessed in the case of India. It was very much under-valued for several reasons. One of the reasons given was that the condition in Malabar, which is one of the chief rubber producing tracts, is that it contains certain absolute owners, who are known as Jamnies. They own an extensive area in the forest land in which rubber is produced by them. Their acreage has not been properly assessed. Not only that, but the area of other places also has not been properly assessed. In that discussion it was admitted by Sir Girja Shankar Bajpai that that was a fact. Particularly, in the case of Travancore, it was admitted that the area was very much under-estimated. The other point was that if we take the export basis before the slump of 1929 as the criterion, then in the case of India, the quota fixed on that basis also was very much unfair. It was at that time pointed out that the quota for the other countries was very much higher proportionately than in the case of India. I shall read to the House a portion from it.

"In the year 1929, India exported 6,850 tons and the quota for India is the same. Siam in the year 1929 exported 6,100 tons but the quota for Siam is 15,000 tons."

That means about three times the export of 1929.

"Borneo exported 7,400 tons and the quota was fixed at 12,000 tons."

That is nearly the double. So, in the case of other countries also the quota fixed as compared with the export of 1929 was double or three times. There is no reason mentioned as to what is the quota which is going to be fixed in the case of India as compared with the export of 1929. In fact, beyond saying that this is a very formal and a very minor Bill, absolutely no light has been thrown on the state of affairs of this important industry in India and as to what the Government is going to do. What is the agreement with the Government with respect to other countries and how India is going to fair in the fixation of its quota, have not at all been pointed out by the Honourable the Mover of this Bill. We expected that some light should have been thrown on these matters. We also expected that we should have known whether there shall be proper assessment of acreage and proper assessment on the export. There are certain minor amendments that have also been moved in the definition of the Act. We have not also been informed as to what is really the effect of those amendments, whether it comes to this that formerly the rubber that was imported and re-exported and which was intended to be deducted from the Act, will now, by the change of the definition, be barred. In fact, all these are points which require elucidation before the consent of the House is asked for this Bill.

Mr. Mohan Lal Saksena (Lucknow Division : Non-Muhammadan Rural) : Sir, in connection with this Bill I would like to draw the attention of the House to the producers' agreement which was signed on the 28th April, 1934, and on the basis of that agreement the Inter-Governmental Agreement was signed on the 7th May, 1934. This agreement was to remain in force for nearly five years beginning from the 1st June, 1934, and lasting till the 31st December, 1938. Now, three years have already elapsed because it is stated in the Statement of Objects and Reasons of the Bill that this Act will come into force from the 1st January, 1937. So, this House is certainly entitled to know, when an Act was passed in August, 1934 and which could not be given effect to because the Government was not able to frame the rules during the last two years, what was the state of the rubber trade during the last three years. What were the prices? What was the amount produced in the various countries which were party to this agreement? What was the amount of rubber exported during these three years, because under this agreement certain quotas are provided for India and Burma. According to this agreement in 1934, India was to have exported 6,850 tons and Burma, 5,150 tons; in 1935 India could have exported 8,250 tons and Burma, 6,750 tons; and in 1936 India could have exported 9,000 tons and Burma 8,000 tons. So, this House is certainly entitled to know what has been the total amount of export of rubber during these three years and then and then alone we can decide as to whether this House will be justified in passing this Bill or not. Then, there is the question of minor alterations in the definitions.

Mr. President (The Honourable Sir Abdur Rahim) : Has any amendment been tabled?

Mr. Mohan Lal Saksena : No amendments have been tabled, but we can oppose the Bill. There are already amendments in the Bill.

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member refers to the amendments contained in the Bill.

Mr. Mohan Lal Saksena : In this Governmental agreement, "net exports" means the difference between the total imports of rubber into a territory during a period and the total exports of rubber out of that territory during the same period provided that notwithstanding the meaning attached to 'rubber' elsewhere, in this agreement imports or re-exports of articles and things manufactured wholly or partly of rubber and rubber consumed in the country of production shall not be included in arriving at net exports."

So the Act of 1934 was presumably based on this clause (g) of the inter-Governmental agreement. I have not been able to follow why Government have felt it incumbent to modify the definition in clauses (c) and (d) where they are making changes so as to include articles that are manufactured of rubber or that contain rubber whether imported or produced in India. I would like to know as to what will be the effect of this amendment on the total export of rubber from India. Up till now, under the Act it is only rubber that is included. Now manufactured articles also will be included and so what will be the effect of this amendment on the total amount of quota. These are the points on which I should like the Honourable Member to inform the House before we can agree to consider this Bill.

The Honourable Sir Muhammad Zafrullah Khan : Sir, the first question raised is that if the Act of 1934 has not yet been brought into force, then what is the position of this inter-Governmental agreement which restricts the production, export and stocking of rubber. Is it left uncontrolled, or in what manner is the control effected? Now, I imagined that Honourable Members would have been aware that during the interval the control has been exercised by Notifications issued by the Governor-General under section 19 of the Sea Customs Act. The particular notifications are Nos. 36, 37 and 38 of 26th May, 1934. For instance, notification No. 38 says :

"In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878, the Governor-General in Council is pleased with effect from the 1st June, 1934, to prohibit the export by sea or by land from British India of the leaves, flowers, seeds, buds, twigs, branches, roots, or any living portion of the rubber plant that may be used to propagate it",

and then follows the definition of rubber plant.

Mr. Ghanshiam Singh Gupta : How was the cultivation controlled? Was that not controlled? This is only about exports.

The Honourable Sir Muhammad Zafrullah Khan : Notification No. 36 provides as follows :

"In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878, the Governor-General in Council is pleased with effect from the 1st June, 1934, to restrict the taking of rubber by sea to any place outside India or by land to the French and Portuguese settlements bounded by India to consignments covered by certificates of origin and export licence issued by the authority and in the manner prescribed by the Governor-General in Council."

Then, the definition of rubber and rubber plant is given. In pursuance of these notifications and in amplification of them, two notifications were issued on the same date, Nos. 39 and 40 which set out the machinery for control. I do not think I need read them unless Honourable Members wish me to do so. If Honourable Members want detailed information, they would find it in these notifications. I assumed that as this control

had continued for over two years and as this was the machinery by which this control was introduced and exercised, it was not necessary for me to give the history of this control. As a matter of fact why I described this particular Bill as a purely formal Bill was that the matter was being placed on a statutory basis rather than on the basis of administration by notification. If Honourable Members want detailed information out of these notifications, I am prepared to read out those details.

Mr. Ghanshiam Singh Gupta : Was there any control on cultivation?

The Honourable Sir Muhammad Zafrullah Khan : Notifications Nos. 36, 37 and 38 that I have read out to Honourable Members deal with exports and imports.

Mr. Ghanshiam Singh Gupta : They are under the Sea Customs Act.

The Honourable Sir Muhammad Zafrullah Khan : Nos. 36, 37 and 38 are under the Sea Customs Act. Notifications Nos. 39 and 40 deal with the details of administration of the control scheme fixing quotas for British India as well as for Burma.

Mr. Ghanshiam Singh Gupta : My question remains unanswered. My question was whether there was any control on cultivation of rubber or not and if there was no control exercised on the cultivation of rubber, how was it done? Under what rules and under what notifications or was it purely a *jo hukum*?

The Honourable Sir Muhammad Zafrullah Khan : I can give the details of the scheme to the Honourable Member, as he has raised the question just now, when we reassemble after lunch.

Mr. Ghanshiam Singh Gupta : Then this may stand over till after lunch.

The Honourable Sir Muhammad Zafrullah Khan : If detailed information with regard to control of plantation is asked for, I will give it to Honourable Members. I was explaining, the question of quotas is not a question that was settled by the Act of 1934 for the first time. The quotas both for Burma and India have been settled right up to 1938, the year up to which control extends and these are set out in detail in these notifications. With regard to India, the basic figure for 1934 was taken as 6,850 tons. Inasmuch as the control was introduced only for seven months out of twelve for the year, the quota fixed for these seven months was 7 $\frac{1}{2}$ of 6,850. The quota for 1935 was 8,250 tons; for 1936, it was 9,000 tons and for 1937 also it is 9,000 tons and for 1938, it will be 9,250 tons. In the case of Burma, the quota fixed for the seven months June to December, 1934, was 7 $\frac{1}{2}$ of 5,150 tons, for 1935, 6,750 tons, for 1936, 8,000 tons, for 1937, 9,000 tons and for 1938, 9,250 tons. So that the scheme of control was brought into effect in June 1934 by means of these notifications. It is not that because the Act which was passed in 1934 was not brought into force this matter was not regulated at all. The object of the Act of 1934 was to place the matter on a statutory basis, and before the Act could be brought into force, as I have said, it was discovered that in some respects that Act had departed from the scheme of inter-Governmental control which had been brought about by agreement; in these respects the Act of 1934 is being amended by this Bill, and as soon as the amendments have been carried through, the Act will be brought

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into operation from 1st May, 1937. Even if this Bill had not been introduced and the matter were not placed on a statutory basis, the control that is being exercised and the quotas that have been fixed could be enforced and would continue to be enforced under the notifications. It is for that reason that I submitted to the House,—not because I wanted to get this through the backdoor by describing it as a formal measure, but that this was a formal measure. Certain flaws were discovered in the Act of 1934 and therefore this amending Bill has been brought in.

Mr. Ghanshiam Singh Gupta : Another question is whether in respect of fixing of quotas we have fared better than before or we have fared worse and how, since the time it was fixed by statute in the first year.

The Honourable Sir Muhammad Zafrullah Khan : I gave the figures while the Honourable Member was conferring with another Honourable Member, Mr. James. I said the figures for 1934 were 7/12ths of 6,850 tons for India and 7/12ths of 5,150 tons for Burma. The control was introduced from the beginning of June 1934. At that time there were only seven months left out of the year for which quotas were to be fixed. So the quotas fixed were 7/12ths of 6,850 and 5,150 respectively for India and Burma. Since then there has been an increase both in the case of India and in the case of Burma. In the case of India the figures for 1935, 1936, 1937 and 1938 are 8,250 tons, 9,000 tons, 9,000 tons and 9,250 tons. In the case of Burma the figures are for 1935, 6,750 tons, for 1936, 8,000 tons for 1937, 9,000 tons and for 1938, 9,250 tons.

Mr. Ghanshiam Singh Gupta : Is the Honourable Member satisfied that they are fair in the circumstances?

The Honourable Sir Muhammad Zafrullah Khan : When these figures were first suggested the matter was gone into, and Government were satisfied before they agreed to the control scheme that they were fair. In any case, the submission I was going to make was that whether this Bill is adopted as it is put before the House or not, it does not affect the actual quotas. That has already been agreed to by the inter-governmental agreement and that quota will continue to be enforced whether the House agrees to the amendments proposed in the Bill or whether it does not.

Mr. Mohan Lal Saksena : What about the other points?

The Honourable Sir Muhammad Zafrullah Khan : With regard to the amendment of the definitions one Honourable Member wanted to know what the exact effect of the amendments will be. The first amendment is that the definition of "factory" which is contained in section 2 (c) of the Act of 1934 is going to be altered from "any premises for the manufacture of articles containing rubber from rubber produced in India" to "any premises for the manufacture of articles containing rubber" The restriction in the present Act that a factory means premises for the manufacture of articles containing rubber "from rubber produced in India" is being removed.

The effect of the next two amendments will be this. The present clause (d) reads as follows :

"Net exports" of rubber means the difference between the total exports of rubber excluding imported rubber re-exported in manufactured articles containing rubber and the total imports of rubber excluding rubber in manufactured articles containing rubber."

Now, the difference with regard to the first part will be this. The figure of exports would be determined under the Act of 1934 by subtracting from it the quantity of imported rubber which was being re-exported in the shape of manufactured articles containing rubber. That the Honourable Member said must have been in accordance with the inter-governmental agreement. I am afraid it was not and this was pointed out by the International Rubber Control Committee. The definition is now being brought into accord with the inter-governmental agreement by providing that the exclusion shall be confined to rubber contained in imported manufactured articles which are re-exported. On the other hand the total imports of rubber would be determined under the Act of 1934 by the figure of total imports minus rubber contained in imported manufactured articles containing rubber. This is being changed into "excluding rubber contained in imported manufactured articles whether they are re-exported or not". The definitions will now be brought into accord with the inter-governmental agreement.

Mr. Mohan Lal Saksena : My point was this that in the inter-governmental agreement and the producers' agreement it has been defined like this :

"Net export" means the difference between the total imports of rubber into a Territory during a period and the total exports of rubber out of that Territory during the same period, provided that notwithstanding the meaning attached to 'rubber' elsewhere in this agreement, imports or re-exports of articles and things manufactured wholly or partly of rubber and rubber consumed in the country of production shall not be included in arriving at net exports."

Mr. President (The Honourable Sir Abdur Rahim) : I think we may adjourn now.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

The Honourable Sir Muhammad Zafrullah Khan : Sir, I was trying to explain that in one respect one of the present amendments will make a difference to the determination of the amount of net exports of rubber. The Act of 1934 in determining the net exports of rubber gave an allowance in respect of articles manufactured from imported rubber. The present Bill restricts that allowance to manufactured articles imported and re-exported : so that to that extent the allowance is being restricted. Honourable Members wanted to know to what extent that would make a difference to the quota itself. I have tried to get the figures but I am afraid no separate figures are available, though I am assured that the quantity would be extremely small in any case ; and the change is being made not because the Government of India for any reason think that there ought to be this restriction, but because the International Rubber Control Committee have pointed out that the allowance which we had made admissible in respect of articles manufactured out of imported rubber and re-exported out of India was not in accordance with the terms of the agreement that India had signed nor in accordance with the interpretation placed upon those terms by the other countries that were parties to the agreement. It is therefore to implement the spirit of the agreement in that respect that this change is being introduced.

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[Sir Muhammad Zafrullah Khan.]

Another matter on which Mr. Gupta wanted details of the scheme was by what machinery the production of rubber and further planting of rubber trees was being controlled. As I submitted, before the House adjourned for lunch, the only control that had been brought in by the Government of India was by means of the notifications to which I made reference—36, 37 and 38 under section 19 of the Sea Customs Act, and 39 and 40 issued by the Finance Department—laying down the detailed control in these matters....

Mr. Ghanshiam Singh Gupta : Indirect control.

The Honourable Sir Muhammad Zafrullah Khan : As the Honourable Member has sought to point out it is indirect control. So far as the Government are concerned, the control is exercised by the apportionment of quotas to different estates on the basis of previous averages and so on, that is one form of control : a certain export quota having been allotted to each particular estate on a certain basis....

Mr. Ghanshiam Singh Gupta : Under what section ?

The Honourable Sir Muhammad Zafrullah Khan : Under these notifications enforcing the scheme of restriction. It is for the Indian Rubber Licensing Committee and the Burma Rubber Licensing Committee to see that the scheme is actually enforced. Now, the whole basis of the scheme is that before it was accepted by the Government and signed on behalf of India and Burma, it was ascertained that the different interests concerned were willing to submit themselves to this restriction. The result is that the Indian Rubber Licensing Committee with regard to India and the Burma Rubber Licensing Committee with regard to Burma, in administering these quotas call for returns and see that there is no expansion of the area under rubber in contravention of the percentages laid down in the agreement. To that extent the restriction of plantation is really voluntary. It has a sort of sanction behind it in the sense that the Committee, I imagine, would either restrict or cancel the quota of an estate that would not come into line on this matter. But as the Honourable Member has pointed out it is more or less voluntary. It is not on any statutory basis ; nor is there any notification of Government so far as I have been able to discover, directly enforcing the restriction of plantation. It is done by the two committees in the two countries....

Mr. Mohan Lal Saksena : May I know how these two committees, the Indian Rubber Licensing Committee and the Burma Rubber Licensing Committee have been constituted ?

The Honourable Sir Muhammad Zafrullah Khan : Under those notifications—Nos. 39 and 40 that I have mentioned....

Mr. Mohan Lal Saksena : What is their constitution ? What are the names and interests represented on these committees ?

The Honourable Sir Muhammad Zafrullah Khan : I would not be able to give the names of the members. I can read out the relevant portions of the notifications : this is from No. 39 of the 26th May, 1934—Finance Department, Central Revenues :

"The Licensing authority for India excluding Burma shall be a committee to be called the Indian Rubber Licensing Committee, hereinafter referred to as the Committee, representative of the rubber growing industry, and consisting of five members

of whom two shall be nominated by the Government of Travancore, and one each by the Governments of Madras, Cochin Durbar and the United Planters' Association of Southern India. The Committee shall elect a chairman and may appoint such special committees and executive officers as may be necessary for the efficient performance of the duties entrusted to it. It shall maintain...."

Mr. Mohan Lal Saksena : May I know under what Act this notification was issued ?

The Honourable Sir Muhammad Zafrullah Khan : It was not issued under any particular enactment : it was issued under the general powers of the Finance Department, Central Revenues....

Mr. Mohan Lal Saksena : But those powers must have been derived under some statute and some definite section. I want to know under what powers the Finance Department issued those notifications.

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I cannot give any section to the Honourable Member. As I have explained this is how the control is being carried out....

Mr. Ghanshiam Singh Gupta : Does the Honourable Member consider this notification to be legal ?

The Honourable Sir Muhammad Zafrullah Khan : Certainly, but whether legal or not, as I have explained, the scheme was to begin with a voluntary scheme agreed to by the different interests, and so in administering it,—the powers that this committee exercises with regard to cancellation of quotas and so on is based on a voluntary system....

Mr. Ghanshiam Singh Gupta : What was the hitch in bringing this Act into operation ?

The Honourable Sir Muhammad Zafrullah Khan : As I have said, all these rules and regulations and bye-laws take some time in settling : they have now been settled ; but in the meantime these defects were discovered in the Act, and after these amendments have been carried into effect, these rules and bye-laws will be brought into force....

Mr. Ghanshiam Singh Gupta : When these notifications could be issued, on those lines, why cannot these amendments also be done likewise ?

The Honourable Sir Muhammad Zafrullah Khan : There is a great deal that the notifications leave out, and there are a good many things for which legal authority is necessary. If the Honourable Member is trying to strengthen the point that a good deal that has been done without statutory authority, the statement is perfectly true. But there is nothing to prevent certain interests concerned in a particular industry to come together and continue to administer a scheme voluntarily, though all the rules and regulations may not be there, so long as there is no portion of the industry that desires to break away from it....

Mr. Mohan Lal Saksena : My grievance is this : so long as these institutions or associations do the thing voluntarily that is different : but when the Finance Department issues a notification, it must issue it under some definite statute or definite powers.

The Honourable Sir Muhammad Zafrullah Khan : The authority is to carry into effect the objects of the notifications of the Governor

[Mr. Mohan Lal Saksena.]

and a half have not been given effect to and I think at this stage it is desirable that on behalf of this House I may lodge a protest against the manner in which the Government has acted in giving effect to this particular Act.

The Honourable Sir Muhammad Zafrullah Khan : I will take only one minute to offer an explanation at least with regard to one part of the Honourable Member's speech. I regret the delay that has taken place in framing the rules and by-laws but I do not think it is correct to say that these notifications are entirely without authority and are not legal. The three notifications 36, 37 and 38 were issued under section 19 of the Sea Customs Act and there is full statutory authority for them. They lay down that no exports of rubber or rubber leaf, etc., or imports shall take place without a proper licence and in contravention of the restrictions that might be imposed by the Governor General in Council and the two notifications issued by the Finance Department, Nos. 39 and 40, merely provide the machinery for carrying into effect the objects of those notifications. Therefore the Honourable Member, however much he might have been justified in condemning the delay that has taken place in bringing the Act into force, is not justified in saying that the notifications were without authority. Machinery had to be set up for the carrying into effect of the restrictions which the Governor General in Council had imposed under the Sea Customs Act and Notifications Nos. 39 and 40 were, therefore, fully justified and authorised.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

"That the Bill be passed."

The motion was adopted.

THE BANGALORE MARRIAGES VALIDATING BILL.

Sir Aubrey Metcalfe (Foreign Secretary) : Sir, I move :

"That the Bill to validate certain marriages solemnized in the Civil and Military Station of Bangalore be taken into consideration."

This is a very small, and, I hope, entirely non-contentious Bill which has been rendered necessary by circumstances which are to some extent explained in the Preamble to the Bill. In case some Honourable Members have not had the time to read this Bill, I shall briefly recapitulate those circumstances. In 1929, a missionary belonging to a religious sect known as the Plymouth Brethren was authorised by licence to solemnize marriages in the civil station of Bangalore between Native Christian subjects of the Mysore State. He was not authorized to solemnize any marriages between subjects of His Majesty. Unfortunately he did not pay quite sufficient attention to the terms of his licence and he actually solemnized some five marriages between parties either one or both of whom were Christian subjects of His Majesty. There was no question of any evil intention either on the part of the Minister or on the part of any of the parties. They all wished to get married and as far as they knew they were married. The position could have been remedied in the ordinary way, when the mistake was discovered, by their being remarried under proper authority but fortunately or unfortunately during the interval

that elapsed some of these unions were blessed with issue and it is in order to regularise the position of these unfortunate infants that I am now asking the House to pass this Bill into law. I feel quite sure that the House will view the situation of these unfortunate children with sympathy and I would ask them to pass this Bill and to place it on the Statute-book with the maximum of expedition and the minimum of discussion. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Motion moved :

"That the Bill to validate certain marriages solemnized in the Civil and Military Station of Bangalore be taken into consideration."

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhamadani Rural) : Sir, this is an excruciatingly amusing Bill and I should like it to be passed into law without getting some of my own words also recorded along with it. When I first read the Bill, Sir, the old jingle came into my memory :

"Needles and pins,
Needles and pins,
When a man marries,
His trouble begins."

And I must confess, Sir, that I admire the grim humour of the Government also in bringing a marriage Bill immediately after that the Bill on rubber control that we have just put on the Statute-book. (Laughter.) Sir, before I say anything further, I should like to congratulate most heartily his missionary friend of mine, Mr. Walter James McDonald Redwood—who is I think, one of the very few individuals in the world whose name is enshrined for ever in the Statute-book and to whose name generations will turn with reverence, for he joined lovers together in marriage according to the laws of God, even against the laws of man. (Hear, hear.) But, what really interests me in this connection is this : have Government made sure from the victims of this gentleman's ministrations as to whether they want to continue in their wedlock, or not? (Laughter.) Sir, neither in the Statement of Objects and Reasons nor in the body of the Bill itself are we assured that my Honourable friend opposite had made sure from all these five pairs that they would like to continue where they are.

Sir Aubrey Metcalfe : Sir, on a point of information, I am able to give my Honourable friend a full assurance on that subject. (Laughter.)

Mr. Sri Prakasa : I am rather disappointed, because I almost thought that they might be in the position that many men find themselves after marriage when they would like to sing :

"When I was single,
My pockets did jingle,
I wish I were single again"

and take advantage of the situation to regard their marriages null and void.

However, Sir, the thing that greatly affects me is this. I have always been taught that ignorance of law was no excuse. Evidently, in the case of missionaries and High Courts ignorance of law can be an excuse. Sir, the other day, we validated some marriages, the validity of which was

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[Mr. Sri Prakasa.]

doubted because the High Court of Allahabad exercised jurisdiction over them without any authority ; and now we have this wonderful missionary doing things against law and then coming to us for validation of his acts ! Surely, Sir, the Legislature cannot be used as a waste-paper basket for all these persons who fling to the four winds the laws of the land. Sir, may we take it that the Government will follow this wholesome precedent and legalize some of our Congress bodies also that have been suffering from their ban for a very long time, and who are more deserving of our sympathy than these five happy couples ?

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways) : When were those banns published ?

Mr. Sri Prakasa : I think my friend, Sir Aubrey Metcalfe, who has taken an interest both in the marriage ceremony as well as, I take it, in the banns published before them, will be able to supply the Commerce Member with the necessary information on the subject. In any case there has been, I hope, no commerce about all this. I presume the marriages resulted from legitimate love affairs. (Laughter.)

Now, Sir, another thing troubles me and it is this. So far as the language of the Bill goes, it only legalizes the marriage. The question is : what about the children ? Is it not possible that this law may be interpreted to mean that, though the marriages were legalized, the results of their marriages have not been legalized ? My friend, Sir Aubrey Metcalfe, did try to make that point clear ; but the Bill does not, and we know what lawyers are. You may know, Sir, of a case where a judge sentenced a man to be hanged ; and as soon as the man was hanged, the lawyer who happened to be there asked the man to be taken down. He had not died. So the man was saved. Then judges started the slogan that "the prisoner be hanged by the neck till he is dead". A lawyer may be found to interpret the law to mean that though the marriages were legal, the issue of the marriages born before this Bill is passed into law are not legal. I think therefore that it would be proper for the Honourable Member to do something to ensure that the children will not be condemned as illegitimate. You know, Sir, the sad case of Lord Sinha, for instance. His son cannot become a peer of England simply because there is some trouble about his marriage. The children of these marriages may come into trouble. It is quite possible that one of them may become a Lord and then he may not be allowed to sit in the House of Lords because of some difficulty about the marriage certificate. I think that point should be made clear in the Act itself, so that even if these parents suffer, the children may not suffer. Personally I believe with Bernard Shaw that parents may be illegitimate but their children can never be illegitimate. (Laughter.)

Mr. Ram Narayan Singh (Chota Nagpur Division : Non-Muhammadan) : Sir, only the other day the Arya Samaj Validating Bill was under discussion in this House and there was a great deal of opposition from Mussalmans and Hindu Sanatanists. They suspected that if this Bill was enacted into law, it would be legalizing conversions from one community to another. At that very moment I was thinking within myself that such kinds of measures which concern one particular community must not be brought for the consideration of this Central Legislature, and such Central Legislature should be called upon to pass only

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measures which affect anybody and everybody in this country, but here in this case, only five couples have married, and the Central Legislature of India has now been called upon to legislate and to validate these marriages. This is, Sir, obnoxious. Besides, there is one thing. As I have said, such marriages legalize conversions from one community to another and such conversions lead to inter-communal riots and differences. Besides every act of these Christian missionaries is nothing but an act done as an agent of the British Imperialism. It is therefore, Sir, that I strongly oppose this measure.

Several Honourable Members : The question may now be put.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

"That the Bill to validate certain marriages solemnized in the Civil and Military Station of Bangalore be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Sir Aubrey Metcalfe : Sir, I move :

"That the Bill be passed."

Mr. Deputy President (Mr. Akhil Chandra Datta) : Motion moved :

"That the Bill to validate certain marriages solemnized in the Civil and Military Station of Bangalore be passed."

Mr. Ghansham Singh Gupta : Since the name of the Arya Marriage Validation Bill has been mentioned in connection with this Bill, which, to my mind, is not at all relevant to this case, I take this opportunity of giving my whole-hearted support to this Bill.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

"That the Bill be passed."

The motion was adopted.

THE INDIAN TEA CONTROL (AMENDMENT) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways) : Sir, I beg to move :

"That the Bill to amend the Indian Tea Control Act, 1933, for certain purposes, be taken into consideration."

The Indian tea control scheme is in force in India and Burma and is regulated by the Indian Tea Control Act of 1933. The restriction scheme is to continue into operation for the present till the 31st March 1938. The Committee that administers this scheme functions for the whole of India including Burma. As Honourable Members are aware, Burma is to be separated from India with effect from the 1st March, 1937. It is, therefore, necessary to set up an authority in Burma for the administration of this scheme. This amending Bill has been introduced for the purpose of setting up such an authority in Burma. Notices have been received of 4 amendments to the Bill and each of these notices of motion is signed by

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the same five Honourable Members of this House. As three of them are absent, including the two Honourable Members from Burma, who are principally interested in this matter, and I am not aware whether the other two Honourable Members who have signed these amendments and are present in the House at the moment intend to move these motions, I propose to say nothing at this stage with regard to these motions. If during the course of the discussion on the motion for consideration—which I hope, having regard to the nature of the Bill, will not be very long—an indication is given as to which, if any, of these amendments are likely to be moved, I shall be able to explain the position of Government with regard to them when I reply to the debate.

Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Motion moved :

“ That the Bill to amend the Indian Tea Control Act, 1933, for certain purposes, be taken into consideration.”

Prof. N. G. Ranga (Guntur cum Nellore : Non-Muhammadan Rural) : Sir, I wish to move all the four amendments that stand in my name. It would really facilitate the discussion if the Honourable the Commerce Member would be good enough to inform me whether he is prepared to accept any of these amendments.

The Honourable Sir Muhammad Zafrullah Khan : The first amendment is, I think, only fair ; it is almost necessary. I shall, therefore, accept it. The second is harmless and I shall therefore have not much hesitation in accepting it. The third is out of order ; it is *ultra vires* of this House. I shall, therefore, object to it. The fourth is entirely unreasonable and I shall, therefore, oppose it.

Prof. N. G. Ranga : Sir, I am glad the Honourable Member is prepared to accept the first two amendments. Therefore, I will confine myself to the consideration of the other two and also the general provisions of the Bill. Since this Act is to go on till the 31st March, 1938, and since it is quite permissible for the Burmese Government, which comes into existence after April, 1937, to adopt this Act so far as it relates to Burma for its own purposes. I really do not see why Government should be in such a great hurry to bring forward this particular Bill for consideration in this House. Sir, again and again at question time the point raised in the third amendment, that is, the Federated Shan States, has been raised and Government were asked to consider the advisability of extending this Act to those States also in order to enable the tea planters of those parts to take advantage of this tea control scheme but every time the same answer was given that it could not be extended and the tea planters could not be allowed to enjoy the benefits of this particular Bill.

The Honourable Sir Muhammad Zafrullah Khan : May I submit that that matter had better be taken up when the actual amendment is moved ?

Prof. N. G. Ranga : Therefore, I personally feel that if this amending Bill is passed now without being extended to the Federated Shan States, it will do them an immense amount of harm. So, I hope the House will insist upon this amendment being accepted by Government when the proper time comes for it, otherwise we will refuse to accept this Bill.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

“ That the Bill to amend the Indian Tea Control Act, 1933, for certain purposes, be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

“ That clause 3 stand part of the Bill.”

Prof. N. G. Ranga : Sir, I move :

“ That in sub-clause (b) of clause 3 of the Bill, the following be added at the end :

‘ and for the word ‘ Government ’ the words ‘ Governments of India and Burma respectively ’ shall be substituted ’.”

Mr. Deputy President (Mr. Akhil Chandra Datta) : Amendment moved :

“ That in sub-clause (b) of clause 3 of the Bill, the following be added at the end :

‘ and for the word ‘ Government ’ the words ‘ Governments of India and Burma respectively ’ shall be substituted ’.”

The Honourable Sir Muhammad Zafrullah Khan : Sir, as I said, I am prepared to accept this amendment and it is perhaps due to the House that I should explain what its effect is. Sub-clause (b) of clause 3 of this Bill says that in sub-section (2) of section 9 of the original Act after the words ‘ dissolved ’ the words ‘ or the Authority is abolished ’ shall be inserted. Now, the effect of that is this. Section 9 of the Act says : “ When the Committee is dissolved ” and as it is proposed to set up an Authority for Burma, it will now run as follows :

“ When the Committee is dissolved or the Authority is abolished, either under this section or by the expiry of this Act, the unexpected balance of fees received by the Committee or by the Authority, as the case may be, under this Act shall lapse to Government.”

Prof. Ranga's amendment amounts to this that instead of the section running that the balance shall lapse to Government, the section shall run, ‘ it shall lapse to the Governments of India and Burma respectively ’, that is to say in the case of the committee the balance shall lapse to the Government of India and in the case of the authority to the Government of Burma and as that is as it should be I have no hesitation in accepting the amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

“ That in sub-clause (b) of clause 3 of the Bill, the following be added at the end :

‘ and for the word ‘ Government ’ the words ‘ Governments of India and Burma respectively ’ shall be substituted ’.”

The motion was adopted.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

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

The motion was adopted.

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

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Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

"That clause 4 stand part of the Bill."

Prof. N. G. Ranga : Sir, I beg to move :

"That in clause 4 of the Bill, in the proposed section 10A after the word 'shall' the words 'after consulting the Government of Burma' be inserted."

In view of the fact that the Honourable Member has said that he does not have any objection to this, I do not propose to add anything more. I move.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Amendment moved :

"That in clause 4 of the Bill, in the proposed section 10A after the word 'shall' the words 'after consulting the Government of Burma' be inserted."

The Honourable Sir Muhammad Zafrullah Khan : The effect of this amendment is that the Governor General in Council in constituting the authority to be called the Burma Tea Licensing authority shall consult the Government of Burma. I do not conceive that that would have been done in any case without consulting the Government of Burma and I therefore accept this amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

"That in clause 4 of the Bill, in the proposed section 10A after the word 'shall' the words 'after consulting the Government of Burma' be inserted."

The motion was adopted.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The next amendment No. 3* in the name of Prof. Ranga is out of order.

Prof. N. G. Ranga : How, Sir ?

The Honourable Sir Muhammad Zafrullah Khan : Because this Legislature has no authority to legislate for the Federated Shan States.

Prof. N. G. Ranga : Are they not part of India ? Is it not a fact that the planters of the Federated Shan States export tea over their land frontiers ?

The Honourable Sir Muhammad Zafrullah Khan : Oh ! yes, they can. I explained it to the House the other day.

Prof. N. G. Ranga : Then, I will move the amendment and let the House decide.

Mr. Deputy President (Mr. Akhil Chandra Datta) : It is out of order.

The question is :

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

Mr. B. Das (Orissa Division : Non-Muhammadian) : Sir, I wish to speak on this clause.

"That in clause 4 of the Bill, in the proposed section 10A after the words 'in Burma' the words 'including the Federated Shan States' be inserted."

Mr. Deputy President (Mr. Akhil Chandra Datta) : I have begun to put the question ; unless the Honourable Member is very very keen, I would like to put the question to the House.

Mr. B. Das : I have a few words to say on this clause before the House accepts this clause. I bow to your ruling that the amendment relating to the Federated Shan States cannot be moved in this House. We have no other alternative but to accept it. As an old Member of this House and as a Member of the Public Accounts Committee, I know that funds are provided from the Indian exchequer for giving political pensions and for defraying other expenditure in the Federated Shan States. I am not so much interested in Burma now, because it is going to be separated from India and I do not know what will be the exact position of the Shan States after the separation of Burma from India. The Honourable the Commerce Member who was a Member of the Round Table Conferences and who was on the Joint Parliamentary Committee knows the real position of the Federated Shan States, after Burma is separated from India. But my Honourable friends from Burma feel apprehensive that somehow or other the tea growing estates of the Shan States may not be included in Burma and their export may somehow be prohibited. Here it is not so much the constitutional issue that my Honourable friends want to raise as the commercial point, whether the Shan States as they are now part of Burma will continue to be so after the separation of Burma from India for the purpose of commerce.

The Honourable Sir Muhammad Zafrullah Khan : May I ask the Honourable Member that if according to him the Shan States are part of Burma and the Act will extend to Burma, then what is he troubling about. If Burma includes the Shan States there is nothing more to say.

Mr. B. Das : My Honourable friends are apprehensive that after separation the Shan States would be placed in a different category than they are at present.

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. B. Das : I wish only to point out to the Honourable the Commerce Member that what my friends from Burma want is that the Shan States should at no time be excluded from the tea control operations.

The Honourable Sir Muhammad Zafrullah Khan : Sir, may I explain the position. As the Honourable Member has pointed out certain tea growers in the Shan States have been anxious to obtain a share of the export quota. They moved the Government of Burma as well as the Government of India and placed their case before them, and the case was considered on its merits but their claim was not accepted. This is not the time nor the occasion for me to go into details of the claim and the grounds on which it was rejected. However the claim was not accepted so that they do not participate in the tea quota. The constitutional position is that though in a sense the Shan States are part of Burma and are under the authority of the Government of Burma, the position under the Government of India Act, 1919, and its schedules is, that the Shan States along with many other tracts in India and some other tracts in Burma are placed in a category for which the Indian Legislature has no authority to legislate. Therefore the object which the Honourable Member has in view cannot be secured by inserting this amendment in the Bill at the place where he

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wants it to be inserted—for this House has no power to legislate for these territories. The only power by which legislation can be extended to that territory vests in the Governor of Burma who may extend such laws as are operative in Burma and as he considers necessary or desirable to that tract. It is in the position of territories to which ordinary legislation does not apply and therefore this amendment is out of order as has already been ruled by the Honourable the Deputy President and we cannot by means of this Bill rectify the position as desired by the Honourable Member.

Mr. B. Das : Are you satisfied that the Government of Burma will extend the Act to the Shan States ?

The Honourable Sir Muhammad Zafrullah Khan : It is within the power of the Governor of Burma, but whether he will do so or not, I cannot say. From what has already happened, I imagine he would not be prepared to do it. May I again point out to the Honourable Member that as he is himself aware, this tea control scheme lasts till 31st March, 1938. It is now only by way of advice that I suggest, I am not giving any undertaking, that it is for the Government of Burma to take up the question of a quota, if they are satisfied that the Shan States ought to have a quota and to arrive at some sort of an undertaking with the International Tea Committee which might be implemented after 31st March, 1938. However, as I have already said, that is only a gratuitous piece of advice which may not turn out to be the proper thing to do.

Prof. N. G. Ranga : Sir, I rise to protest the manner in which the Government of India have till now failed in their duty to help these people of the Shan States.

The Honourable Sir Muhammad Zafrullah Khan : I submit that is out of order for the reason that the question of a quota for the Shan States has nothing to do with this Bill. If that question is raised, I am prepared to give a detailed reply on the whole question, but it will do no good to the growers of the Shan States. The Honourable the Deputy President has already ruled a discussion on that question out of order.

Prof. N. G. Ranga : It was permissible for the Governor General in Council to have extended the operations of this Act to those areas for which of course this Legislature could not legislate and the Government of India have so far failed to extend it to that particular area along with other areas for which I dare say this Legislature has to legislate.

The Honourable Sir Muhammad Zafrullah Khan : I have pointed out to the Honourable Member that it is the Government of Burma who has that power and not the Government of India.

Prof. N. G. Ranga : In view of the fact that the Government of Burma has till now been a part of British India and the Governor General in Council has supervisory and suzerain authority over the Governor in Council of Burma, I certainly think it is the duty of the Governor General in Council here to see that the laws passed by this particular Legislature are extended to those parts of India and to those parts of British India for which this Legislature could not legislate and yet for which the extension of such legislation is advisable and necessary. And I find that in spite of the many appeals made by the tea planters in the Federated Shan States to the Government of India, the Government of India have refused to consider their claims.

THE INDIAN TEA CONTROL (AMENDMENT) BILL.

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Mr. Deputy President (Mr. Akhil Chandra Datta) : May I know on what clause the Honourable Member is speaking ?

Prof. N. G. Ranga : On clause 4. I am opposing it and speaking on it.

The Honourable Sir Muhammad Zafrullah Khan : That there should be no tea licensing authority for Burma.

Prof. N. G. Ranga : Yes, certainly.

Mr. Deputy President (Mr. Akhil Chandra Datta) : What is the point of the Honourable Member ?

Prof. N. G. Ranga : My point is this that until and unless Government are prepared to extend the operation of this particular Act to these Federated Shan States also there is no necessity to pass this particular special Bill now in the present circumstances, because this Act will continue to be in operation till 31st March, 1938, and it is permissible for the future legislature or the Governor in Council of Burma to carry on their operations under this Act for the protection of the tea planters in Burma until 31st March, 1938. There is no necessity for this special amending Bill at present and I protest that an opportunity should have been sought to be taken by Government to introduce this Bill and get the consent of this House for the second time without seeking to extend it to the Federated Shan States. I find that it was permissible for the Governor General in Council to have extended the operations of this to those States but they have not done it, with the result that the tea planters of those States who were able to export their tea to India and from there re-export it to foreign countries have come to be prevented ever since this Act of 1933 was passed, and export it either directly from their own States to other countries or from India to other countries. The result of it all is that many of them have gone to ruin and many more are about to go to ruin.

The Honourable Sir Muhammad Zafrullah Khan : They never exported a pound of tea before the control was brought in. How could the lack of exporting facilities have ruined them ?

Prof. N. G. Ranga : Here is a communication that I have received.

Mr. C. F. Grant (Burma : Nominated Official) : Sir, on a point of order. I ask you for a definite ruling on the point of order raised by the Honourable the Commerce Member. He has pointed out that the whole of this discussion is entirely out of order and cannot possibly be in order. I would therefore be very glad if you would give your ruling on the point. This House has no power to legislate for the Federated Shan States and the Governor General in Council has no such power. This is all provided for in the current Government of India Act.

Mr. B. Das : Why do you speak upon it if the Governor General in Council has no power ?

Pandit Govind Ballabh Pant : So far as the amendment asking for the inclusion of the Shan States and its laws is concerned, it is out of order. But there is nothing to prevent a Member from advancing an argument on the ground that because the Shan States are excluded, therefore he will oppose this clause. He is perfectly within his rights to argue like that.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I am decidedly of opinion that the Honourable Member is perfectly in order because his

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[Mr. Deputy President.]

point is that if this Bill cannot be extended to the Federated Shan States, there is no need for it. In that view of the matter he is in order in opposing this clause and giving his reason in support of his contention.

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member is asking that this Act should in some manner or another extend to the Federated Shan States, and he is saying that if it is not to be extended to the Federated Shan States, no licensing authority for Burma should be set up at all.

Prof. N. G. Ranga : There is no necessity.

Pandit Govind Ballabh Pant : That argument may not be accepted but it is in order.

The Honourable Sir Muhammad Zafrullah Khan : If the Honourable Member wants to occupy the time of the House with a speech he may.

Prof. N. G. Ranga : My Honourable friend the Commerce Member has occupied the time of the House for thrice as long as he need have occupied it if he had come prepared on the Rubber Control Bill. I do not wish to occupy the House unnecessarily and I have given proof of that by not saying a word in respect of my two amendments which have been accepted by Government. I am particularly anxious that these tea planters should be protected in every possible manner. If the argument advanced by Government were to be accepted, the position will become really untenable in so far as those vast areas in this country are concerned for which this Legislature cannot directly legislate in any manner whatsoever.

Here is a communication sent by the constituted attorney of growers of Tawnpeng tea estates :

"The tea produced within Shan States was re-exported from India to foreign countries prior to the introduction of the regulation scheme. Burma exported tea overseas and also coastwise to Indian ports which facts would be proved from the Burma Sea Borne Trade report and also from the Director of Commercial Intelligence report."

Mr. Deputy President (Mr. Akhil Chandra Datta) : Although the Honourable Member is technically in order, I do not think he should labour this point.

Prof. N. G. Ranga : I appeal to Government to reconsider their position and try to give effect to the provisions of this Tea Control Act in such a way as to extend them to the Federated Shan States also and give the benefit of this Act to those people, as otherwise as a result of this innovation of tea control these people are victimised in every possible manner and are not able to market their tea. Sir, I oppose this clause.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

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

The motion was adopted.

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

Clause 5 was added to the Bill.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

"That clause 6 stand part of the Bill."

THE INDIAN TEA CONTROL (AMENDMENT) BILL.

Prof. N. G. Ranga : Sir, I beg to move :

"That in clause 6 of the Bill, in the proposed sub-section (3) of section 13, the words 'the Committee and' be omitted."

As this is only a formal amendment I do not propose to say anything more.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Amendment moved.

"That in clause 6 of the Bill, in the proposed sub-section (3) of section 13, the words 'the Committee and' be omitted."

The Honourable Sir Muhammad Zafrullah Khan : Sir, I am afraid it is not a formal amendment and I am afraid the Honourable Member does not know what it amounts to. Otherwise he would have tried to explain it to the House. I am quite sure he will confess that he does not know what the effect of the amendment is. Clause 6 of the Bill says :

"To section 13 of the said Act the following sub-section shall be added, namely :—
(3) The Indian Overseas Export Allotment so declared for any financial year after the financial year ending on the 31st day of March, 1937, shall not include the overseas export allotment for the Province of Burma, but the Governor General in Council, shall, by notification in the Gazette of India, declare a separate Burma Overseas Export Allotment after consulting the Committee and the Authority and paying due regard to all interests concerned."

Now, it is perfectly obvious that if a separate allotment is to be fixed for Burma both the tea licensing Committee for India and the tea licensing authority for Burma must be consulted. Whenever you split up a quota both sides are concerned and therefore both have to be consulted. If the amendment moved by the Honourable Member were to be accepted, the Governor General would be bound to declare a quota for Burma only after consulting the Burma licensing authority and without consulting the Indian licensing authority. I therefore submit that the amendment is not merely formal. It would deprive the Governor General of the advice of the committee representing Indian interests when splitting up the quota into Indian and Burma quotas. I therefore oppose it.

Prof. N. G. Ranga : I do not press it, Sir.

The amendment was, by leave of the Assembly, withdrawn.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clauses 7 to 17, both inclusive, were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Muhammad Zafrullah Khan : Sir, I beg to move :

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

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

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

The motion was adopted.

THE RED CROSS SOCIETY (ALLOCATION OF PROPERTY) BILL.

Mr. G. R. F. Tottenham (Defence Secretary) : Sir I move :

"That the Bill to provide out of the property of the Indian Red Cross Society a Fund to be administered in Burma by a Burma Red Cross Society, and to terminate in Burma the existing functions of the Indian Red Cross Society be taken into consideration."

This is a measure which I hope will not detain the House for more than a few minutes. As I explained this morning, the activities of the Red Cross Society are primarily directed towards the relief of suffering in war time. It is thus primarily a sort of auxiliary of the defence medical services. But after the great war, in the course of which large sums of money were subscribed by the public for these purposes, it was decided to give the Indian Red Cross Society a legal status and to authorise the Indian Red Cross Society to use the income of the remainder of the capital sums that I have just referred to for expenditure on similar humanitarian objects in peace. This was done by the Indian Red Cross Society Act of 1920 ; and at the same time the Indian Red Cross Society became a full member of the International League of Red Cross Societies ; and as I also said this morning there must be many Honourable Members who are aware of the splendid work that the Indian Red Cross Society has done for India and in India since the years of the war. Now, the Act of 1920 applies of course to Burma as part of India ; and there is a schedule, the second schedule, in that Act which sets forth the shares in the original capital subscribed by the different provinces and states in India. Burma's contribution, according to this Schedule, towards the original capital was Rs. 6 lakhs or 7 per cent. of the total. Some of that capital was of course utilised and spent during the war. But the corpus remaining after the war was over, which was then invested and the income from which is now the income of the Indian Red Cross Society, amounted to some Rs. 62,41,000 ; and 7 per cent. of that sum comes to about 4.37 lakhs. Obviously when Burma ceases to be a part of India, it will be necessary to exclude Burma from the operation of the Indian Red Cross Society Act and to allow Burma to set up her own society with that portion of the corpus of the fund to which she is legitimately entitled ; and that is all that the present Bill proposes to do. I mentioned just now the figure of Rs. 4.37 lakhs as being Burma's share of the original corpus of the fund ; and it is true that it is stated in the Statement of Objects and Reasons that the intention was to give that sum to Burma, that is to say, 7 per cent. of the original corpus. Subsequent calculations by the Indian Red Cross Society have shown that the original corpus of the Fund has appreciated in value ; and the actual proposal now is that Burma's share will be 7 per cent. of the present value of the corpus, and not 7 per cent. of the original value of the corpus. The result of that will work out to a figure of about Rs. 5½ lakhs, instead of Rs. 4.37 lakhs, and that is the sum that will be handed over to Burma if this Bill is passed.

I should like to make it quite clear, in case there is any misapprehension on the subject, that the money is not of course Government money at all in any sense of the word ; that this allocation has been fully accepted both by the Indian Red Cross Society and by the Burma branch of that society ; they are both fully satisfied with it ; and of course, finally, the figure of 7 per cent. has nothing whatever to do with the percentage that

has been fixed for the financial adjustment between India and Burma in respect of official funds.

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

Sir, I move.

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

"That the Bill to provide out of the property of the Indian Red Cross Society a Fund to be administered in Burma by a Burma Red Cross Society, and to terminate in Burma the existing functions of the Indian Red Cross Society be taken into consideration."

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, the Indian Red Cross Society was constituted under the Act of 1920 : and a branch was established for Burma. I do not know why if an allocation has to be made for the Burma Society the Burma branch of the Red Cross Society should not be made the Burma Red Cross Society under this Act itself, instead of giving power to the High Court of Rangoon to frame a scheme for the investment of these funds and abolishing the Burma branch. I wanted that kind of information. I thought that it would be proper to have a Red Cross Society established under this Act separately for Burma on the lines of the Red Cross Society, India, which was established in 1920. When once that scheme is framed, later on, it may be found necessary to alter that scheme in view of experience that may be gained regarding the particular society. There is no provision in this Bill to empower the High Court to modify or alter the scheme from time to time either on the application of the Local Government or of any person interested. That is a normal thing which must find a place in any Bill of this nature which clothes the High Court with a power of this kind. I am yet to know how the proportion of 7 per cent. was fixed.

Mr. G. R. F. Tottenham : As regards the last point raised by my Honourable friend, I have explained how 7 per cent. was fixed in the second schedule to Act XV of 1920. A large sum of money was collected during the War, and the actual amount of the contribution from each province was laid down in the schedule—the total amount they contributed is in one column,—and in the second column what that amount represents in the form of a percentage of the total fund. The actual amount contributed by Burma was Rs. 6 lakhs, and that represented 7 per cent. of the total fund. That I think settles the last point that the Honourable Member made. As regards his first point, I do not think it is for this Legislature, indeed it cannot be for this Legislature, to decide what particular action Burma should take after separation. All we can do is to release Burma, so to speak, from our Act and then it will be for Burma future to decide how they are going lawfully to set up their own Burma Red Cross Society. Whether they should do so by getting a scheme settled by the High Court or in some way is entirely for them to decide and not a matter, I submit, for this Legislature. As regards the other point, that is to say, the power to alter the scheme which may be settled by the High Court, I understand that there is already ample provision for that in the Code of Civil Procedure, and therefore no provision in this Bill for that purpose is necessary.

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

"That the Bill to provide out of the property of the Indian Red Cross Society a Fund to be administered in Burma by a Burma Red Cross Society, and to terminate in Burma the existing functions of the Indian Red Cross Society be taken into consideration."

The motion was adopted.

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

"That clause 2 stand part of the Bill."

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

"That in clause 2 of the Bill, for the words 'seven per cent.' the words 'seven and a half per cent.' be substituted."

Sir, this is the percentage that was agreed upon in regard to the settlement of the financial claims as between Burma and India, and even the Amery Tribunal stated :

"But our study of all the various aspects of the question and of the arguments and figures presented to us has led us to the conclusion that, for our particular purpose of arriving at a just financial settlement, the proper ratio in which Burma should contribute in respect of the liabilities outstanding at the date of separation should be 7.5 per cent."

We are told that the particular adjustment in regard to the Indian Red Cross Society has nothing to do with the financial adjustment as between India and Burma, but if 7.5 per cent. was found to be good for that particular purpose, I do not see how it cannot hold good for this particular purpose. Moreover, I want to know how and why this 7 per cent. has been arrived at and has been fixed. My Honourable friend, Mr. Tottenham, has not adduced any particular proof to strengthen his claim that only 7 per cent. should be fixed and nothing more. He said that all these funds do not belong to Government, they are all a sort of quasi-public funds and contributed by various philanthropists and therefore in this regard we would not insist upon 7.5 per cent. but 7 per cent. would be enough. I do not know who has accepted this 7 per cent. as has been incorporated here. As far as I can see, the three Burmese Members of this House who happen to be our colleagues for these two years were unanimous in their demand that 7.5 per cent. should be granted to them and not 7 per cent. I therefore hope that my Honourable friend, Mr. Tottenham, will agree to this amendment and allot to Burma 7.5 per cent. and not 7 per cent. of this Fund.

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

"That in clause 2 of the Bill, for the words 'seven per cent.' the words 'seven and a half per cent.' be substituted."

Mr. B. Das (Orissa Division : Non-Muhammadian) : I owe an explanation to the House why I put my signature to this amendment. As the House knows, I was reluctant to accept 7½ per cent. settlement with Burma and was always for the Nixon award of 10 per cent. But when there is parting, one likes to part with good will, and when my Honourable friends the Burmese Members approached me and said, "We have paid in 7½ per cent. scale and are taking 7½ per cent. of the assets. Why should you give

per cent.?" The difference I was told was something like Rs. 13,000, it now I find that it may be between Rs. 40,000 and 50,000. It is a matter of parting with our good friends with grace and good will though I have ways been annoyed at having let them go scot free with 7½ per cent. of the liabilities, thanks to my Honourable friend the Finance Member who is sitting over there. This raises another issue. Mr. Tottenham says that this fund is an accumulated fund collected from subscriptions. There are her funds in the Government of India—the Indian Research Fund, the Indian Famine Trust Fund, etc. I know there is a committee sitting and settling these things on the direction of the Finance Member. The Burmese people have not subscribed to the extent that they have subscribed the Red Cross Society, to these funds, and they may say they want 7½ per cent. In any case, if India will part with a few thousand rupees extra from the Red Cross Society, there will not be any bad blood with my Burmese friends, and so I would give them this 7½ per cent.

Mr. G. R. F. Tottenham : The Honourable Burmese Members of this House who gave notice of this amendment (and apparently asked certain other Honourable Members of this House to support their amendment) had obviously every excuse for doing so, because they were anxious to get as much for Burma as possible. They also had the excuse that they did not understand the position. I have now explained the position as clearly as I can to this House, and yet my Honourable friend, Prof. Ranga, still wants to take more money away from India and give more money to Burma. I do not understand that attitude. The fact is that the allotment of the funds belonging to the Indian Red Cross Society is laid down at present by statute. The funds are not Government funds in any way ; they are private funds. The Burma Branch is fully satisfied with getting 7 per cent. ; the Indian Society is satisfied with giving 7 per cent. ; and here is absolutely no reason whatsoever to mix that figure up with the figure of 7½ per cent. which has been arrived at for a totally different purpose. I regret that I cannot accept this amendment.

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

"That in clause 2 of the Bill, for the words 'seven per cent.' the words 'seven and a half per cent.' be substituted."

The motion was negatived.

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

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

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

"That clause 4 stand part of the Bill."

Mr. M. Ananthasayanam Ayyangar : Sir, I have got an amendment to clause 4.

Mr. G. R. F. Tottenham : On a point of order. Before you allow this amendment to be moved, I would draw your attention to the fact

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[Mr. G. R. F. Tottenham.]

that notice was not given until 12 o'clock this morning. It is not yet in the hands of the Members of the House. I therefore submit the amendment is out of order.

Mr. President (The Honourable Sir Abdur Rahim) : I cannot allow this amendment.

The question is :

“ That clause 4 stand part of the Bill.”

The motion was adopted.

Clause 4 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. G. R. F. Tottenham : Sir, I move :

“ That the Bill be passed.”

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

“ That the Bill be passed.”

Prof. N. G. Ranga : Although we are assured that these funds are all private, I find that the management of these Red Cross Societies and its funds largely vests in Government and Government agencies. There are so many of these Red Cross Societies—I think one for each district. I think the members of these societies are nominated by Government from amongst those *jo hukums* who run after the Government and help them in every possible manner in order to suppress our own people. The Red Cross Society is supposed to have no politics. It is supposed to have no national prejudices. Yet when the Civil Disobedience campaign was going on in the country, when hundreds and hundreds of people are being *lathi* charged.....

Mr. President (The Honourable Sir Abdur Rahim) : I do not think you can go into all that.

Prof. N. G. Ranga :the Red Cross Society was significant by its absence. When many of our people were badly treated, no ambulance was available. It may be a very useful society in other countries. I am myself an admirer of the Red Cross in other countries, but unfortunately in our country it has become not a Red Cross but a Government cross. What is more, it subserves the interests of the Government on the one side with its imperialism behind it and the Christian missionaries on the other. Therefore I oppose this Bill and I hope that Government will try to see that the Red Cross is made a real red cross in this country.

Mr. President (The Honourable Sir Abdur Rahim) : You ought to have opposed the Bill at the consideration stage.

The question is :

“ That the Bill be passed.”

The motion was adopted.

THE GENERAL CLAUSES (AMENDMENT) BILL.

Mr. G. H. Spence (Secretary, Legislative Department) : Sir, I ask your permission to move this motion on behalf of the Honourable Sir Vipendra Sircar who is unavoidably absent.

I move :

“ That the Bill further to amend the General Clauses Act, 1897, for a certain purpose, be taken into consideration.”

This Bill is of purely technical interest and but for the fact that notice has been given of a motion for circulation, I should have confined myself to inviting attention to the full explanation contained in the Statement of Objects and Reasons. In view of the fact that notice of a motion for circulation has been given I think it as well to mention that the original draft of this Bill was circulated to all Local Governments and all High Courts. It was very carefully examined by all the High Courts and no High Court has failed to support the substance of the Bill. A few High Courts made suggestions in regard to certain details to which effect has for the most part been given. I think it may possibly save time if I refer briefly to the point, which I understand, has inspired the circulation motion. I understand that the Honourable Member in whose name the amendment stands wishes to know exactly what will be the practical effect of this amendment of the General Clauses Act. The only effect will be that in future as soon as an amending Act has done its work, that is to say, as soon as an amending Bill has been passed and the amendments made by the amending Act have been incorporated in the principal Act, we shall be able to do what we now think it would be unsafe to do, namely, to repeal the amending Act and remove it from the Statute-book—a course which for purposes of statutory record will greatly conduce to convenience.

In substance, however, what the Honourable Member who gave notice of this amendment was, I gather, concerned to know was this—how this provision in the Bill would affect existing practice in regard to getting rid of changes in the law affected by an amending Act. It would not affect practice in this respect at all. Suppose we have an Act to amend the Indian Penal Code which provides that after section 100 of the Indian Penal Code, the following section shall be inserted, namely, section 100A. If we want to get rid of section 100A, we do not operate on the amending Act at all. We operate on the Indian Penal Code, by bringing in an amending Bill to omit section 100A of the Indian Penal Code.

There is one other point which the Honourable Member who gave notice of the motion for circulation mentioned to me. Honourable Members will see that this Act only applies to the repeal of enactments by which the text of any Act was amended by express provision. This new section of the General Clauses Act will have no application whatever to cases which the Honourable Member mentioned to me, such as, where instead of making a textual amendment we say : So long as this Act, that is to say, the quasi-amending Act is in force, section so and so of the principal Act or what we may call the principal Act shall be deemed to have effect as if it said something which in fact it does not say. This Bill does not affect those cases at all and when you want to get rid of the provisions in what you may call a pseudo amending Act

[Mr. G. H. Spence.]

of this nature you will do it as now by bringing in a Bill to repeal the amending Act. That is all I have to say, Sir. I move.

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

“ That the Bill further to amend the General Clauses Act, 1897, for a certain purpose, be taken into consideration.”

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Corresponding to the General Clauses Act in India, there is an Act for the interpretation of statutes in England. Section 6 of the General Clauses Act has been taken from the corresponding Act in England but a provision such as is now sought to be made is not to be found in the English Act. Now, under section 6 of the General Clauses Act, it is enacted that whenever an amending Act is repealed, it would not affect any rights that have already accrued any liabilities that have been already incurred on the date of the passing of the Act and any privileges that may have been conferred, etc. So far as the present provision is concerned, it is for the purpose of eliminating from the Statute-book, Acts which have served their purpose and are no longer wanted. By the repeal of the amending Act the amendments that are sought to be incorporated in the original Act are not taken away. They still continue as part of the original Act. When I gave notice of my motion for circulating this for the purpose of eliciting public opinion, what I had prominently in mind was an instance of this kind. If the Penal Code is amended by a Criminal Law Amendment Act which makes some additions to the existing Act and alters some of the sections and if in that case a repeal is made of the Criminal Law Amendment Act, the question is whether the amendments incorporated in the original Act, by virtue of the amending Act continue there or whether they also expire, or where the repeal of the amending Act will be absolutely nugatory and useless because by the amending Act or as soon as that Act is passed, these several items of amendment get themselves incorporated in the Act. I have had a talk with my Honourable friend, the Mover, and it appears that in future when an amending Act is to be repealed,—it is not only the amending Act but several provisions of the parent Act also that have to be specifically referred to and repealed and that the inconvenience could be avoided in that manner. As regards the doubts that have been raised it has not been set out in the Statement of Objects and Reasons, which the High Court has raised that particular doubt and it was for that reason that I wanted that the highest judicial authority in the land in all several provinces should be consulted with regard to a measure of the kind, which is to stand for all time to come, and with respect to which all statutes to be passed in future will have to be interpreted, that they should have their say and we should have their opinion. No doubt we had an assurance from my friend that all that information has been obtained. Unfortunately I have not had an opportunity of looking into these opinions. Before I can set my seal to this portion of the amending Act, but anyhow I will accept the assurance of my Honourable friend, and as he says, if the amending Act modifies only the text and the repealing Act repeals the amending Act which only makes modification of the text and this Bill will not alter any other amendments made by the amending Act. On that assurance I accept it as I do not make the motion for circulation of the Bill.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I think the language of this Bill is not very happy. The purpose is plain enough. This Bill has been introduced only with a view, I think, to eliminate a number of amending Acts which today find a place in the Statute-book but which do not serve any useful purpose. I think it is with a view to lightening the task of the scavenger that this Bill has been introduced. I personally feel that it would have been much better if there had been a provision to the effect that an amending Bill would be deemed to have merged in the principal Act after it has been once passed. If that form had been adopted, then it would not have been necessary even to make any motion before this House for the repeal of the amending Act. It would have been automatically ruled out the moment those amendments were embodied in the principal Act. As it is, it will still be necessary to move for the repeal of the amending Acts. The words here, “ unless a different intention appears ”, seem to me to be altogether redundant. If you want a change in the original words that were introduced by means of the amending Bill, then you have to make a specific provision for that, but then it would cease to be a repealing Bill. I feel that the language of this clause is not happy, but I am not prepared either to oppose or to support the motion.

Mr. G. H. Spence : Sir, I am grateful to the Honourable Member who gave notice of a motion for circulation for not having moved the motion. As to what the Honourable Pandit Govind Ballabh Pant said, with the utmost respect to him I prefer the scheme adopted by the Government Draftsman to the scheme indicated by him. I do not think it fair to say that the words “ unless a different intention appears ” are in any way inept. Their effect is that if you want in an Act repealing an amending Act to effect a real, and not a mere paper, repeal, you will have to use express language to indicate the intention.

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

“ That the Bill further to amend the General Clauses Act, 1897, for a certain purpose, be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. G. H. Spence : Sir, I move :

“ That the Bill be passed.”

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

“ That the Bill further to amend the General Clauses Act, 1897, for a certain purpose, be passed.”

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways) : Sir, I beg to move :

"That the Bill further to amend the Chittagong Port Act, 1914, for certain purposes, be taken into consideration."

Sir, the Bill deals with a number of small legislative amendments which have become necessary in the original Chittagong Port Act of 1914. Until 1928 Chittagong was a minor port and was administered by the Government of Bengal. In 1928 Chittagong was declared to be a major port and the Government of India took over the direct administration of the port. The Chittagong Port Act was amended in 1928 so as to transfer the necessary powers under the Act from the Government of Bengal to the Governor General in Council. From time to time during this period that has elapsed since the administration of the port of Chittagong was taken over by the Government of India, the necessity has been felt of minor amendments, but Government were unwilling to bring before the Legislature minor amending Bills at short intervals. It has now been found that a sufficient number of amendments have become necessary to justify the bringing of a Bill before the Legislature. Hence the Bill that is now before the House. Most of the amendments are of a formal nature but there are some which are of importance. The more important amendments are that the port authorities are being given the power to pay to the heirs of their deceased employees such bonuses and gratuities as the deceased employees had earned, and also to set up welfare funds for the benefit of their employees. These provisions are more or less along the lines of the provisions made in the case of other major ports with minor differences, and these differences are due to the conditions prevailing in the Chittagong Port as compared with other minor ports; for instance, with regard to welfare funds, in the case of the Chittagong Port it is proposed by this Bill that in the case of employees who are not drawing more than Rs. 250 per mensem, there should be no direct levy from the employees themselves for the purposes of the welfare fund but that the fund in their case should consist of fines collected from them, unclaimed salaries, forfeitures of provident fund, etc. Comparing this provision with that in one of the other major ports, say, Bombay, the difference is that in the case of Bombay there is no such condition attached, that there should be no direct levy from employees who are not drawing more than a certain amount of salary a month, for the reason that generally salaries in the case of employees in the Chittagong Port Trust are lower than in the case of Bombay. Then there is an amendment authorising the Chairman to delegate certain powers during his temporary absence to the Vice-Chairman, and so on. No notice of any amendments has been given and I am, therefore, not aware what kind of criticism, if any, Honourable Members may have to the provisions of the Bill. On the whole, I should imagine that as the provisions of this Bill seeks to make are for the benefit of the employees of the Port Trust, no serious objection would be taken to the Bill. Any criticism that might be forthcoming during the discussion of the motion for consideration I shall try to meet when I reply to the debate.

Sir, I move.

(3038)

Mr. President (The Honourable Sir Abdur Rahim) : Motion moved :
"That the Bill further to amend the Chittagong Port Act, 1914, for certain purposes, be taken into consideration."

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, I move, that this Bill be circulated for the purpose of eliciting public opinion thereon.

The Honourable Sir Muhammad Zafrullah Khan : There is no notice of any such motion.

Mr. President (The Honourable Sir Abdur Rahim) : Then, I cannot allow it to be moved.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Under the rules, no notice is necessary.

Mr. President (The Honourable Sir Abdur Rahim) : Still, if objection is taken that the Honourable Member had no chance of considering it, it cannot be allowed.

Pandit Govind Ballabh Pant : When there is motion for consideration, it is open to any Member to move that the Bill be circulated for the purpose of eliciting public opinion thereon.

Mr. President (The Honourable Sir Abdur Rahim) : Is it fair to the Member in charge of the Bill that no notice should be given ?

Pandit Govind Ballabh Pant : The Member in charge knows it very well that the rules require no notice.

The Honourable Sir Muhammad Zafrullah Khan : I have not received any notice up to this moment.

Pandit Govind Ballabh Pant : Only half an hour ago notice of this amendment was given in the Notice Office.

Mr. President (The Honourable Sir Abdur Rahim) : If there is no objection on the part of the Member in charge of the Bill, it does not matter. But, if objection is taken, it is certainly valid because Members are taken by surprise. The Chair has got to look to the convenience of other Members as well. They may have something to say on the point. They may like to consider this motion. If there was no objection, I would have allowed it to be moved.

The Honourable Sir Muhammad Zafrullah Khan : If I had felt that this was a measure of a contentious nature or that there were serious differences of opinion with regard to it, I would not have taken objection to the circulation motion on the score of want of notice ; but having regard to the character of the Bill, I am afraid I must object.

Pandit Govind Ballabh Pant : But the rules say that when a Member makes a motion that the Bill be taken into consideration, it is open to any Member of the House to move that the Bill be circulated to elicit public opinion without giving notice.

Mr. President (The Honourable Sir Abdur Rahim) : Such a rule has never been observed. It has always been the practice in a matter like this to give previous notice of this amendment, and I must follow that practice. But this rule regarding three days' notice is not applicable.

Pandit Govind Ballabh Pant : In fact, it is not an amendment ; it is only a motion. When a Member makes a motion that the Bill be taken into consideration, it is open to another Member to oppose that motion without giving any notice whatsoever. Similarly, it is open to a Member to propose that the Bill be circulated. The rules do not lay down any period of time for notice.

Mr. President (The Honourable Sir Abdur Rahim) : It is a motion all the same. It is an amendment to the effect that the Bill be circulated for the purpose of eliciting public opinion thereon.

Pandit Govind Ballabh Pant : My friend, Mr. Ananthasayanam Ayyangar, will not make that motion, but I wish that you may not give a ruling to that effect.

Mr. President (The Honourable Sir Abdur Rahim) : I gave a ruling only the other day that two days' notice is not required under the rules. But, in a matter like this, I have got to see to the convenience of all the Members. If no objection was taken to it, I would have allowed it.

Mr. M. Ananthasayanam Ayyangar : Sir, if I am not in order to move my circulation motion, I have certainly got the privilege to address the House. There is no doubt that Chittagong has been developed and improved from a small port to a major port. I also agree that it is necessary that there should be a provision for the provident fund and a fund for the welfare of the children of the people who die during service and leave their children behind. If the port of Chittagong was sought to be brought in conformity with the other major ports, provision would have been made in 1928. But that has not been done. In the circumstances, is it desirable that we should make an innovation in the case of the Chittagong Port without seeing whether the provisions contained in the Bill are in conformity with those now in vogue in the other major ports ? In order to enable us to know all these things, it is necessary that we should have the opinion of the public and also the representations of the employees of other ports which will be highly valuable. Therefore, I submit, that this Bill should not be rushed through like this. In my opinion it is absolutely necessary that we should be in possession of the opinion of those persons who are the employees of other ports.

I also find that a list of property has been attached and the third Schedule has been included in clause 10 of the Bill. It includes various items of property bought from time to time by various departments and sometimes acquired by the Governor General and vested in the Port Commissioners. As to what this consists of and how far third parties are affected by this property, are matters on which we ought to have public opinion. I, therefore, say that the Bill is not of such an urgent nature that we should be rushed through like this at the fag-end of the day. I would, therefore, oppose this motion and if the Honourable the Mover considers that it is very important, then he can bring it before the House at Delhi.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, the Honourable the Commerce Member is rather fortunate in bringing forward before this House so many Port Trusts Bills. He had his Cochin Port Bill, an amending Vizagapatam Port Trust Bill and now he has brought

before us the Chittagong Port Trust Bill. He has already informed us that next year he will bring a comprehensive Cochin Port Trust Bill. Speaking on behalf of the Indian commercial community and of their keen desire to develop Indian ports, I would say at the outset that I welcome some of the provisions that relate to the welfare and better control of these ports. But the Honourable the Commerce Member certainly knows how the Indian business community have from time to time expressed their criticism about the formation of the Port Commissioners in every major port under the control of the Government of India.

The Honourable Sir Muhammad Zafrullah Khan : Will the Honourable Member kindly speak up ? I cannot hear him properly.

Mr. B. Das : I hope the Honourable the Commerce Member will consider the criticism that has been offered from time to time about the liberalization of the control of the Port Commissioners. Somehow, we find that most of the major port trusts are controlled by the Port Commissioners, the majority of whom are either officials or Europeans. We want that Indian business men, Indian corporations and Indian municipalities should have more control than they have at present. I remember when the Chittagong Port Trust Bill was first discussed, my Honourable friend, Mr. Anwarul Azim, voiced the grievances of the Chittagong people and said that they had not sufficient voice on the Port Trust. That grievance stands and ought to have been redressed in the present Bill or in subsequent Bills ; anyway I do hope the Honourable Member will kindly examine that matter. He being an Indian will understand how the volume of Indian public opinion has grown and criticisms have been levelled against the management of Port Commissioners at every big port not to speak of small major ports like Chittagong. I was intending to level these criticisms when the Cochin Port Trust Bill would come and I wanted to raise a comprehensive debate then. But as this Bill has now come, I raise these criticisms so that the Honourable the Commerce Member will kindly examine and will remove one of the long standing grievances under which the Indian businessmen and the Indian public bodies and local authorities are suffering. It is no use giving one or two representations to the local authorities. I think the time has come if Port Commissioners are created, there should be public bodies and commercial bodies so represented so as not to make the Port Trust a purely official concern. A number of questions were asked on the floor of the House as to the way in which the Port Commissioners manage the Port Trusts, be it in Bombay or Calcutta or Chittagong. I would also like to know from the Honourable the Commerce Member whether the Chittagong Chamber of Commerce was consulted, whether any Chambers of Commerce in Calcutta were consulted as to the consolidation of the present Chittagong Port Trust Bill. Their opinion would much facilitate the passing of this Bill.

Mr. Mohan Lal Saksena (Lucknow Division : Non-Muhammadan Rural) : Sir, I want to draw the attention of the Honourable the Commerce Member to two points which occurred to me. Firstly in clause 3 of the Bill, we find sub-clause (2) says :

" Provided that no such welfare funds shall be established without the previous sanction of the Governor-General in Council ; and that the maximum amount to which any such fund may be allowed to accumulate shall be fixed from time to time by the Governor-General in Council."

[Mr. Mohan Lal Saksena.]

I want to know why this restriction has been imposed. It is just possible that similar restrictions may exist in regard to other major ports, but it does not follow that now that we are empowering the Port Commissioners to institute this welfare fund, we must put this restriction that they cannot establish any welfare fund without the sanction of the Governor General in Council.

Then, Sir, in clause 4 we find another thing about which no mention has been made in the Statement of Objects and Reasons and it is this :

“ To section 36 of the said Act the following proviso shall be added, namely :
 ‘ Provided that any resolution passed by the Commissioners to dismiss or to reduce a Head of a Department shall not be carried into effect without the approval of the Governor General in Council ’.”

Now, my difficulty is this. The expression ‘ Head of a Department ’ has not been defined anywhere, either in the original Act or in the amended Act of 1928 nor in this Bill. As a matter of fact under section 36, the Port Commissioners and the Chairman in certain cases have powers of dismissal and suspension. So, I would like to know whether it was on the recommendation of the Port Commissioners themselves that this provision is being made and why has the expression ‘ head of a department ’ not been defined ?

Lastly, I should like to know whether the Municipal Board of Chittagong was consulted in connection with this Bill. It is very important that when you are going to legislate for a major port and when you are going to add certain other immoveable properties as mentioned in Schedule III, than what belongs to the Port Commissioners at present, it is necessary that you should have consulted the Municipal Board. And if the Municipal Board has not been consulted and the Chamber of Commerce of Chittagong which has got three representatives on the Board of Port Commissioners has not been consulted, I think it is an additional reason that the Bill should not be passed at this stage, but should be circulated for eliciting public opinion or the discussion might be adjourned at this stage.

Mr. N. M. Joshi (Nominated Non-Official) : Sir, may I say one word in support of the suggestion that the discussion on this motion be adjourned. My suggestion is that this Bill does not provide for labour representation in the Port Trusts....

Mr. President (The Honourable Sir Abdur Rahim) : But that is no ground for adjourning the debate. The Honourable Member could have tabled an amendment, if he liked.

Mr. N. M. Joshi : That is a good ground why discussion should not be proceeded with any further at present. There are Port Trusts like Bombay and Karachi where arrangements have been made for the nomination of one labour representative on each of these Ports. I do not think there is any arrangement made in this Bill on those lines. That there should be representation of labour on the Port Trusts is one of the suggestions of the Royal Commission on Labour. It has been partially given effect to in Bombay and Karachi but no effect has been given in this Bill. I therefore feel that some provision should be made for the representation of dock labour at Chittagong on the Chittagong

Port Trust. I hope that the Honourable the Commerce Member will not insist upon the Bill being proceeded with today.

Mr. V. V. Giri (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, with regard to clause 9 of the Bill, provision has been made for the establishment of welfare funds. I should like to know from the Honourable the Commerce Member whether in the management of these funds, there shall be representatives of the workers and the management to distribute these funds or spend from these funds.

The Honourable Sir Muhammad Zafrullah Khan : Sir, certain criticisms have been offered against the provisions of the Bill and some Honourable Members have made the suggestion that discussion of the Bill should be postponed. I venture to submit that the criticism is not of a character which shows that the Bill is of such a complicated nature that Honourable Members cannot pay attention to its provisions as it stands and to proceed with it forthwith. To begin with, it has been said, look at the Third Schedule which contains large numbers of items of property ; we do not know whose rights may or may not be affected and therefore it would require careful scrutiny. Sir, the Bill has been before the House for a considerable time now. If there were any means of carrying out the scrutiny of the Third Schedule, this could have been adopted in the meantime. It has also been said that it would be necessary to consult the Municipal Board of Chittagong with regard to these items of property. I submit that this is entirely unnecessary. As a matter of fact this apprehension has been created in the minds of Honourable Members on account of the rather formidable character of this Schedule. But may I point out to them that this Schedule is practically a reproduction of the Third Schedule contained in the original Act and it has only been brought up to date by the addition of such items of property as have during the interval been vested in the Port Commissioners. This is not a new thing.

Mr. Mohan Lal Saksena : You have given particulars as well as survey numbers.

The Honourable Sir Muhammad Zafrullah Khan : The properties are defined and survey numbers are given. One or two misprints will be corrected later on. But the main schedule is the same as the original schedule.

Then, a good deal of criticism has been directed towards the constitution of the Port Trust and the official character of a large number of the Commissioners. That piece of criticism was levelled not so much against the provisions of the present Bill which, it has been admitted by Honourable Members opposite, are not open to objection in principle, but against the constitution of Port Trusts generally. I submit with great respect that that is not a subject which can be discussed in the course of a debate on this Bill. This Bill does not in any manner deal with the constitution of the Port Trust itself. That is a general question. I am aware that it has often been raised on the floor of the House. I am fully aware of the criticisms that have been levelled against the constitution of the Port Trusts of major Ports. But I again repeat that this is not the occasion on which it can become a relevant matter for discussion.

[Sir Muhammad Zafrullah Khan.]

Then, it was pointed out that there is a proviso to clause 3 stating that no welfare funds shall be established without the previous consent of the Governor General in Council and that the Governor General in Council might set a limit to the maximum amount to which any such fund may be allowed to accumulate from time to time. I do not know why objection is being taken to that proviso. I was really unable to understand the point of the objection. The explanation of the proviso obviously is that rules must be framed in respect of these welfare funds, and I have no doubt that the ordinary procedure will be that the Port Trust will send up their suggestions with regard to any such scheme and the Department will.....

Mr. Mohan Lal Saksena : I may inform the Honourable Member that under the Act rules for this fund shall be framed by the Commissioners themselves. Why this sanction?

The Honourable Sir Muhammad Zafrullah Khan : To scrutinise and see that the scheme is so framed that the welfare fund shall be properly administered and that all precautions shall be taken.

The proviso secures that any scheme for the establishment of such a fund shall be submitted to the Governor General in Council who will have to be satisfied that the scheme is a beneficial and satisfactory scheme.

Prof. N. G. Ranga : May I ask for some information with regard to this welfare fund? My Honourable friend, Mr. Giri, has already put that question and the Honourable Member has not cared to answer that yet. Clause 9 of this Bill as it is here.....

The Honourable Sir Muhammad Zafrullah Khan : I am still dealing with the criticism of clause 3 by Honourable Members who spoke before Mr. Giri, and I do not know what warrant the Honourable Member had for assuming that I did not intend to touch on the point to which he has referred. I had not yet concluded my speech.

My submission is that there is nothing in this proviso which need cause any apprehension. If at all, it may be described as an extra precaution. Surely an extra precaution cannot be the subject of adverse criticism. The Port Trust at Chittagong has not been established for a long enough time, nor has it attained to the position which Port Trust in other major ports have attained and therefore any extra precaution in the case of this Port Trust might I think well be justified.

Then, Sir, the next criticism was that the municipal board of Chittagong should have been consulted, for two reasons, one of which I have already dealt with, namely, that the Third Schedule sets out a list of properties to be vested in the Port Trust and that that ought to have been scrutinised by the Municipal Board. The second reason given was that the port is being made a major port and the municipal board should have had some say in the matter. I explained in my speech when moving for consideration that the port was constituted a major port in 1928,—some years ago. It is not being made a major port by this Bill.

Lastly, information was asked for by Mr. Giri, and that is the point which Prof. Ranga.....

Mr. Mohan Lal Saksena : What about clause 4?

The Honourable Sir Muhammad Zafrullah Khan : As to that it was said that there is no definition of "Head of a Department". I should have thought that that was not a difficult matter at all. "Head of a Department" is a perfectly well understood expression all over the administrative offices and no statutory definition is called for. I believe there is a similar provision in the case of all the other major Port Trusts, that dismissal or reduction of a Head of a Department requires the sanction of the Governor General in Council. That, as a matter of fact, was an omission in the Act of 1928 which is now being set right.

With regard to clause 9 the question was if the welfare fund is being administered by representatives of the employees. There is at present no welfare fund in operation. A welfare fund may be established after this Bill has become law and rules are framed under it, and therefore there is no question of its being administered at the present moment by any particular body. But I imagine that when established it would be administered by the Port Trust, though it is a question of rules and regulations. I therefore submit that there is nothing in this Bill which need delay its consideration by the House.

Prof. N. G. Ranga : Sir, with reference to clause 9 I should like to draw the attention of the Honourable Member to the fact that the Payment of Wages Bill was passed by this House and according to that such welfare funds have to be started in order to make provision for the utilisation and administration of funds that are got out of fines realised from such officers and servants and such other properties. To govern these welfare funds a certain procedure is also laid down in the Payment of Wages Act. I should like to know whether the Payment of Wages Act does not apply to this Port Trust also. If it does apply to it, I do not think there is any special necessity to include a clause like this. If on the other hand it does not apply to it, I will like to know whether Government will be willing to bring their rules that will be framed for the governance of this welfare fund under this particular clause in line with the principles outlined in the Payment of Wages Act. I should like to have this information before I can decide whether to support this motion for consideration.

The Honourable Sir Muhammad Zafrullah Khan : Sir, I am afraid I cannot make a commitment in advance on behalf of the Port Commissioners. All that I can say is that the suggestion made by the Honourable Member will be considered.

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

"That the Bill further to amend the Chittagong Port Act, 1914, for certain purposes, be taken into consideration."

The motion was adopted.

Clauses to 2 to 9 were added to the Bill.

[12TH OCT. 1936.]

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

"That clause 10 stand part of the Bill."

Mr. G. H. Spence (Secretary, Legislative Department) : Sir, I move :

"That in clause 10 of the Bill, in the proposed new Third Schedule :

(i) in paragraph 1 of Part I for the figures '402' where they occur for the first time, the figures '403' be substituted,

(ii) in paragraph 11 of Part II for the figures '1154' where they occur for the second time, the figures '1151' be substituted."

This amendment merely corrects errors. Sir, I move.

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

"That in clause 10 of the Bill, in the proposed new Third Schedule :

(i) in paragraph 1 of Part I for the figures '402' where they occur for the first time, the figures '403' be substituted,

(ii) in paragraph 11 of Part II for the figures '1154' where they occur for the second time, the figures '1151' be substituted."

The motion was adopted.

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

"That clause 10, as amended, stand part of the Bill."

The motion was adopted.

Clause 10, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. Mohan Lal Saksena : Sir, I rise on a point of order. I take objection to the motion being made by the Honourable Member under Standing Order 49 (2), which says :

"If any amendment of the Bill is made, any member may object to any motion being made, on the same day, that the Bill be passed, and such objection shall prevail, unless the President in the exercise of his power to suspend this standing order, allows the motion to be made."

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member may assume that I suspend the Standing Order.

The Honourable Sir Muhammad Zafrullah Khan : Sir, I beg to move :

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

Pandit Govind Ballabh Pant : Sir, the Honourable Member objected to our motion for circulation and we thought that he would have the chivalry to respect and observe the rules scrupulously.

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

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

The motion was adopted.

STATEMENT OF BUSINESS.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I have to inform the House that in accordance with what appears to be the general desire of Honourable Members, I have decided not to move the Road Resolution during the course of the current Session. I may also mention that representations have been addressed to the Leader of the House for the allotment of Government time to enable a private Bill passed by the Council of State for the better management of the Durgah Khawaja Saheb, Ajmer, to be taken up in this Chamber during the course of the present Session. In deference to these representations we have agreed to allow this Bill to be taken on the conclusion of all Government business, conditionally on all Government business being finished on Thursday and on Honourable Members then desiring that the House should sit on Friday for the disposal of this Bill. In view, however, of what I understand to be the desire of all Honourable Members that the Session should terminate as soon as possible, we cannot agree to this Bill being proceeded with if Government business is not concluded on Thursday. Finally, Sir, I should mention that as Wednesday in this week, though not a gazetted holiday, is the date of an important Hindu festival, we propose that the House should not sit on the morning of that day but should meet at 2 P.M. and that Questions should be dispensed with. I understand, Sir, that you are prepared to agree to this arrangement.

Some Honourable Members : Questions should not be dispensed with.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, there is a general feeling that the House should not sit on Wednesday, it is shared by most Members on this side and I think several sitting on the other side sympathise with this desire and would welcome a decision to this effect. I am strengthened in making this suggestion by what we have been able to do today. What remains now is very little and I have every hope that we will be able to finish the remainder of the business in two days. In any case we have to meet here on Thursday because the Companies Bill cannot possibly be brought to the House before Thursday. As we have to meet on Thursday, I suggest that the House should not meet on Wednesday.

Mr. M. S. Aney (Berar Representative) : Before the Honourable the President gives his final ruling, I want to make one observation. I find that the Honourable Member is willing to have the House in the afternoon and not in the forenoon of that day. I wish to say that it is a holiday intended for the performance of Shradh which means that the afternoon is the part of the day needed for that purpose.....

Mr. President (The Honourable Sir Abdur Rahim) : It is not a gazetted holiday.

Mr. M. S. Aney : It may not be : but the point is this : if a holiday is to be observed, the afternoon should be clear and I would therefore request that the whole day must be declared as a holiday for that purpose.

[12TH OCT. 1936.]

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways) : May I submit, Sir, that this question might be taken up tomorrow, for the reason, that if the House gets through the (Civil) Procedure Code (Amendment) Bill and also agrees to the motion with regard to the Bill further to amend the Trades Disputes Act tomorrow, then perhaps the House will not sit on Wednesday, as there may not be enough work for that day.

Mr. President (The Honourable Sir Abdur Rahim) : The matter may be mentioned tomorrow. The House is adjourned till 11 o'clock tomorrow.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 13th October, 1936.

LEGISLATIVE ASSEMBLY.

Tuesday, 13th October, 1936.

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

QUESTIONS AND ANSWERS.

REPORT ON THE HEALTH OF MR. SUBHASH CHANDRA BOSE.

1177. ***Mr. T. S. Avinashilingam Chettiar** : Will Government state :

- (a) whether they are aware of the news headed "Subhash Bose' health" in the last page of the *Hindustan Times*, dated the 12th September, 1936 ;
- (b) whether he was examined by the doctors mentioned therein and whether they have submitted their report ; and
- (c) what is the present condition of his health as per their report ?

The Honourable Sir Henry Craik : (a) Yes.

(b) and (c). I would refer the Honourable Member to the reply given by me to question No. 1173.

APPOINTMENT OF COMMITTEES SIMILAR TO HAJ COMMITTEES FOR THOSE GOING TO PLACES OF PILGRIMAGE IN INDIA AND OUTSIDE.

1178. ***Mr. B. Das** : (a) Have Government considered the advisability of appointing committees similar to Haj Committees, for those going to different places of pilgrimage in India and outside ? If so, when ? If not, why not ?

(b) Have Government considered the advisability of appointing committees for those Indians who are going to Irak, Arabia, East and South Africa, and Fiji, etc. ? If so, when will such committees be appointed ? If not, why not ?

(c) Have Government inquired as to what class of food is supplied to Indians and at what rates by Peninsular and Oriental and British India and Italian Liners ? If not, are they prepared to do so and recommend or insist that the quality of food and the cooking thereof is made according to the taste of Indians and further that it is supplied at cheapest rates available, which should be ascertained by tenders, or Indians should be allowed to arrange cooking, etc., by themselves and food charges should be excluded from fares ?

(d) Do Government propose to see that proper and timely arrangements are made with regard to accommodation on all the boats carrying Indians, or do they propose to appoint a committee to arrange

or to negotiate with different companies, so that those companies who guarantee accommodation as may be suggested by such committee and at rates fixed by such committee, may only be allowed to carry Indian passengers from any port of India to anywhere?

(e) Are Government aware that the members of the Port Haj Committee of Bombay are at present negotiating with some shipping companies as stated in part (d)? If so, will they state what has been the result thereof and further to what extent they are authorised in this respect? If not, are Government prepared to inquire and find out whether such negotiations are going on, or have already been carried out by the said committee, or on behalf of the committee, or in the name of the committee, and the result thereof?

Sir Girja Shankar Bajpai: (a) 'Pilgrimages within British India are a transferred provincial subject. As regards pilgrimages outside India for purposes other than the Haj, the need for such committees has not been felt.

(b) No, Sir. Government have not considered it necessary to do so.

(c) In the case of 'unberthed' passenger ships, Government have already exercised their powers under the Indian Merchant Shipping Act 1923, to regulate the scale and quality of the food supplied to unberthed passengers and the cooking facilities to be provided for such passengers. As regards ordinary passenger steamers, Government have no such powers.

(d) Adequate legal provisions exist for ensuring that proper accommodation is provided on passenger ships for passengers, Indian or other, and the appointment of a committee for the purpose suggested by the Honourable Member is not considered necessary.

(e) No, Sir. Enquiries are, however, being made and the result will be communicated to the House in due course.

SUBSIDY PAID TO THE BOMBAY PERSIA STEAM NAVIGATION COMPANY, LIMITED

1179. ***Sardar Sant Singh:** Will Government be pleased to state if any subsidy is paid to the Bombay Persia Steam Navigation Company, Ltd., Bombay, for carrying passengers to Jeddah by way of carrying mails, or grant of any monopoly of any kind, for instance, for passengers or goods to Jeddah, or for guaranteeing the minimum number of passengers to the above port? If so, what is the amount, and under what head is the same debited?

The Honourable Sir Muhammad Zafrullah Khan: No subsidy monopoly or guarantee of the kind referred to in the question is given by the Government of India to the Bombay Persia Steam Navigation Company, Limited.

EXPENSES INCURRED BY GOVERNMENT ON CERTAIN HEADS CONNECTED WITH HAJ PILGRIMAGE.

1180. ***Sardar Sant Singh:** (i) What expenses do Government incur annually on the following heads and under what head are such expenses debited:

(a) quarantine at Kamaran;

(b) Vice-Consulate and its staff at Jeddah for pilgrims;

(c) pilgrim department at Bombay and Karachi and Calcutta;

(d) Port Haj Committees at Bombay, Karachi and Calcutta;

(e) Standing Haj Committee of the Central Legislature; and

(f) salary and travelling expenses of the Government of India Secretariat in connection with Haj Pilgrims Act?

(ii) What is the total amount so far incurred on the above heads since the passing of the Haj Pilgrims Act?

Sir Girja Shankar Bajpai:

(i) (a) Nil.

(b) Rs. 55,600 (1936-37 budget).

(c) Does not arise as the Pilgrim Departments were abolished in 1934.

(d) Rs. 33,600 (1936-37 budget).

(e) Rs. 1,500 is provided annually under demand "No. 35-Department of Education, Health and Lands".

(f) The question does not arise as there is no separate staff for this work.

(ii) Apparently the Honourable Member is referring to the Port Haj Committees Act, 1932. A statement showing the information available in respect of (b), (c), (d) and (e) of part (i) of the question is laid on the table.

Statement regarding expenditure incurred in connection with the Haj Pilgrimage work.

	Expenditure incurred by the Government of India in 1933-34. (Actuals.)	Expenditure incurred by the Government of India in 1934-35. (Actuals.)	Budget provision for 1935-36. (Revised estimate.)	Budget provision for 1936-37.
	Rs.	Rs.	Rs.	Rs.
(a) Quarantine at Kamaran ..	..	..	..	..
(b) Vice-Consulate and its staff at Jeddah for pilgrims ..	70,890	63,291	59,500	55,600
(c) Pilgrim Departments at Bombay, Karachi and Calcutta ..	35,172	..	..	..
(d) Port Haj Committees of Bombay, Karachi and Calcutta ..	..	33,451	31,900	33,600
(e) Standing Haj Committee of the Central Legislature ..	20	No expenditure.	No expenditure.	1,500
(f) Salary and travelling expenses of the Government of India Secretariat in connection with Haj Pilgrims Act. ..	..	..	..	..
	1,06,082	96,742	91,400	90,700

NECESSITY FOR THE CONTINUATION OF PORT HAJ COMMITTEES.

1181. *Sardar Sant Singh : What necessity is there for the continuation of separate Port Haj Committees, and when do Government propose to abolish them in view of the understanding given during the debate on that Bill ?

Sir Girja Shankar Bajpai : The necessity for separate Port Haj Committees was explained in 1932 in the statement of Objects and Reasons appended to the Port Haj Committees Bill. Those reasons still hold good. No undertaking for the abolition of these Committees was given on behalf of Government.

QUALIFICATIONS OF ASSISTANT SURGEONS ON STATE RAILWAYS.

1182 *Pandit Krishna Kant Malaviya : Will Government please state the qualifications of Assistant Surgeons on State Railways, class and administrationwise ?

The Honourable Sir Muhammad Zafrullah Khan : A Railway Assistant Surgeon must be a registered medical practitioner whose name is borne on one of the Indian provincial medical registers and must be in possession of a qualification not lower than that of M.B., B.S. of a university established by an Act of the Governor General in Council, or of a qualification registrable in the United Kingdom.

Mr. Mohan Lal Saksena : Will Government consider the desirability of recognising the degrees of the National Medical College at Calcutta ?

The Honourable Sir Muhammad Zafrullah Khan : I am unable to say without knowing what is the kind of instruction given in that college.

RATIO IN THE RECRUITMENT OF ASSISTANT SURGEONS FOR RAILWAYS.

1183. *Pandit Krishna Kant Malaviya : Will Government please state whether they have fixed any ratio in the recruitment of Assistant Surgeons for railway services from civil, military and direct appointments ? If so, what is the ratio administrationwise, and is this ratio ever exceeded on any administration ? If so, why ?

The Honourable Sir Muhammad Zafrullah Khan : No definite ratio has been fixed but Government have agreed to employ twenty-three Military Assistant Surgeons on the four State-managed Railways and their distribution is as follows :

North Western Railway	..	..	10
East Indian Railway	..	..	4
Eastern Bengal Railway	..	..	4
Great Indian Peninsula Railway	..	..	5
			—
			23
			—

TICKET CHECKING SYSTEM ON THE EAST INDIAN AND NORTH WESTERN RAILWAYS.

1184. *Pandit Krishna Kant Malaviya : With reference to the reply given to part (d) of starred question No. 231, asked in this House on the 12th February, 1932, regarding the system of ticket checking on the North Western and East Indian Railways, will Government please state the result of the experiment on the North Western Railway made between 1923 and 1925 ?

The Honourable Sir Muhammad Zafrullah Khan : The system referred to in the question amounted only to a train being checked by two T. T. Es., since then several other experiments have been tried on the North Western Railway.

Dr. Ziauddin Ahmad : Out of the various systems which have been tried, which system has been found to be most effective ?

The Honourable Sir Muhammad Zafrullah Khan : That is a large question. Different railway administrations have tried different systems. Some prefer one and some prefer the other.

Dr. Ziauddin Ahmad : Was this question discussed in the meetings of the Railway Conference ?

The Honourable Sir Muhammad Zafrullah Khan : If the Honourable Member will give me notice of that question, I shall find that out.

Mr. Mohan Lal Saksena : What are the systems in vogue at present on the North Western and East Indian Railways ?

The Honourable Sir Muhammad Zafrullah Khan : I could not give the details of the systems without notice but the E. I. R. have tried what is the generally known as the crew system. The North Western Railway have tried various other expedients. One expedient was mentioned only the other day. A batch of ticket examiners were called for from the districts to headquarters for the purpose of carrying out some intensive checks.

PRESSURE ON TICKET EXAMINERS TO INCREASE THEIR EARNINGS.

1185. *Pandit Krishna Kant Malaviya : With reference to the reply given to starred question No. 241, asked in this House on the 12th February, 1932, regarding pressure on ticket examiners to increase their earnings, will Government please state the result of the inquiry ?

The Honourable Sir Muhammad Zafrullah Khan : The information is being collected, and I will lay a reply on the table of the House in due course.

RAILWAY SERVANTS AND PASSENGERS KILLED IN THE ACCIDENT AT SEGANLI, BENGAL AND NORTH WESTERN RAILWAY.

1186. *Mr. B. B. Varma : (a) Will Government be pleased to state the number of railway servants and passengers killed in the serious accident that took place at Seganli (Bengal and North Western Railway) station on the 31st January, 1936 ?

[13TH OCT. 1936.]

(b) Are Government aware if any compensation was paid to the persons killed by the authorities of the Bengal and North Western Railway ?

(c) If the answer to part (b) be in the affirmative, will Government be pleased to state the amount of compensation paid to each railway servant and passenger ?

The Honourable Sir Muhammad Zafrullah Khan : (a) One railway servant, and four persons who had intended to travel and were in the waiting hall at the time.

(b) and (c). The Agent states that Rs. 1,350 has been deposited under the Workmen's Compensation Act with the Commissioner for Workmen's Compensation for payment to the relatives of the railway servant, and that three other claims are under negotiation.

PROVISION OF A BRIDGE OVER THE GANDAK RIVER AT SAIDPUR GHAT NEAR PUSA.

1187. ***Mr. B. B. Varma :** Will Government be pleased to state :

(a) whether there is a proposal to bridge the Gandak river at Saidpur Ghat near Pusa in the District of Darbhanga, Bihar ;

(b) if so, when the project is likely to be taken up ;

(c) whether it is a fact that the project is only waiting the approval of the Government of India ; and

(d) whether they propose to accord their approval ?

The Honourable Sir James Grigg : (a) Yes.

(b) Government of India have no information.

(c) and (d). The Government of India have already accorded their approval.

Dr. Ziauddin Ahmad : Who will pay for this bridge, the Government or the B. & N. W. Railway ?

The Honourable Sir James Grigg : The Honourable Member had better put down a question.

RULES FOR RESIDENTIAL BUILDINGS ON STATE RAILWAYS.

1188. ***Dr. N. B. Khare :** With reference to the statement laid on the table on the 31st August, 1936, in reply to unstarred question No. 499 (d) asked in this House on the 7th April, 1936, regarding rules for residential buildings on State Railways, will Government please state the date of the notification of the rules issued in 1926 and to place on the table a copy of the said rules ?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member is referred to a Press Communiqué, dated the 19th July, 1926, on the subject, a copy of which is placed in the Library of the House.

GRANT OF PASSES TO THE STAFF EMPLOYED IN RAILWAY INSTITUTES.

1189. ***Dr. N. B. Khare :** With reference to the statement laid on the table on the 31st August, 1936, in reply to starred question No. 1424 asked in this House on the 23rd March, 1936, will Government please state whether the staff employed in railway institutes are provided with passes to travel as a passenger on a railway gratuitously and such passes are classified as "Duty pass" ? If so, under what authority, when they are not railway servants ?

The Honourable Sir Muhammad Zafrullah Khan : Government are not aware that duty passes are generally given to the staff employed in railway institutes, but it is possible that in certain circumstances an Administration may consider it desirable to issue such a pass.

ALLOTMENT OF RAILWAY QUARTERS AT SIMLA.

1190. ***Dr. N. B. Khare :** Will Government please state :

(a) whether the Railway quarters at Simla are allotted to the staff whose pay does not provide the occupation against the rent fixed ; and, if so, why ; and

(b) whether the staff on Rs. 90 are provided with less accommodation than the staff on Rs. 57 or 60 ; if so, why ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). The quarters at Simla are of non-standard types but the quarters in question though affording slightly better accommodation than the standard type quarter Q.27R which is intended for occupation by staff drawing salaries of from Rs. 30 to 95 are taken as corresponding to that standard. When changes amongst the staff take place due to transfers, etc., a quarter occupied by the previous incumbent of the post is ordinarily allotted to his relief and it is not practicable to make reallocations of quarters to meet chance changes in the pay of an incumbent of a post.

RANKS AND DESIGNATIONS WITH SCALES OF PAY ON STATE RAILWAYS.

1191. ***Dr. N. B. Khare :** Will Government please place on the table a statement showing the ranks and designations, with scales of pay, abolished and created since 1st January, 1925, till date, on State Railways administrationwise, gazetted and non-gazetted separately ?

The Honourable Sir Muhammad Zafrullah Khan : The information asked for is not readily available and its collection would involve an amount of labour and expense not likely to be justified by results.

RANK OF OFFICERS UNDER DISTRICT SYSTEM EQUIVALENT TO SENIOR OFFICERS UNDER DIVISIONAL SYSTEM ON RAILWAYS.

1192. ***Dr. N. B. Khare :** Will Government please state the rank of officers under District System equivalent to senior scales officers under divisional system ?

The Honourable Sir Muhammad Zafrullah Khan : I would invite the Honourable Member's attention to Classified Lists of State Railway

Establishment and Distribution Return of Establishment of all Railways corrected upto the 31st December, 1922, and 31st December, 1935, copies of which are in the Library of the House.

DESIGNATION OF HEADS OF DEPARTMENTS ON STATE RAILWAYS.

1193. *Dr. N. B. Khare : Will Government please state the Departments under a head together with the designation of such head on the State Railways, administrationwise ?

The Honourable Sir Muhammad Zafrullah Khan : I would invite the Honourable Member's attention to Classified List of State Railway Establishment and Distribution Return of Establishment of all Railways corrected up to the 31st December, 1935, a copy of which will be found in the Library of the House.

STRENGTH OF STAFF ON STATE RAILWAYS.

1194. *Dr. N. B. Khare : Will Government please state :

(a) whether it is a fact that the strength of the staff on State Railways was sanctioned by the Secretary of State for India and if so, what was the number of staff sanctioned in each category ;

(b) the date and the nature of alterations in the strength made since ;

(c) whether the power to abolish or create a post has ever been abused by the Agents ; and

(d) whether the strength against each post in each scale of pay is shown by the administrations in their budget estimates ; if so, whether they are prepared to place a copy of such estimates showing the posts and strength for the preceding three years on the table of this House ; if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). For a long time, at any rate, since 1913, the Governor General in Council has had full power to sanction the creation of posts in Railway Services except posts carrying pay of over Rs. 50,000 per annum. In the circumstances Government consider it would not serve any useful purpose to endeavour to trace the alteration in strength made since the inception of State Railways.

(c) No.

(d) Statements showing superior service appointments with numbers and scales of pay are submitted by Railway Administrations with Budget Estimates and these are incorporated in the Pink Books (Revised and Budget Estimates) of the various Railways. Copies of these Pink Books are available in the Library of the House.

CHANGES IN RANKS AND DESIGNATIONS OF THE STAFF ON STATE RAILWAYS.

1195. *Dr. N. B. Khare : Will Government please place on the table a statement showing the changes in ranks and designations, with scales of

pay, of the staff on State Railways (administrationwise, gazetted and non-gazetted, separately), whose nature of duties were not affected by such changes but scales of pay affected since 1st January, 1931 ?

The Honourable Sir Muhammad Zafrullah Khan : The information is not readily available and its collection would involve an amount of labour and expense not likely to be justified by results.

PROTECTED MONUMENTS IN THE WESTERN CIRCLE.

1196. *Mr. Nabi Baksh Illahi Baksh Bhutto : (a) Will Government be pleased to state how many protected monuments are there in the Western Circle ?

(b) How many protected monuments are there in the Bombay Presidency ?

(c) How many protected monuments are there in Sind ?

(d) How many of the protected monuments in the Presidency are Muhammadan and how many non-Muhammadan ?

(e) How many of the protected monuments in Sind are Muhammadan and how many non-Muhammadan ?

(f) What is the allotment sanctioned each year for the Western Circle for conservation work ?

(g) How much of that allotment is spent on Muhammadan monuments and how much on non-Muhammadan monuments ?

Sir Girja Shankar Bajpai : (a) to (g). A statement is laid on the table.

Statement.

No. of Protected Monuments in the Western Circle.					Conservation allotment sanctioned for Western Circle.				
Bombay Presidency.		Sind.		Total.	Years.	Amount spent on Moham-	Amount spent on non-Moham-	Estab-	Total.
Moham-madan.	Non-Moham-madan.	Moham-madan.	Non-Moham-madan.			madan monuments.	madan monuments.	lishment charges common to both kinds of monuments.	
						Rs.	Rs.	Rs.	Rs.
215	462	39	21	737	1932-33	11,938	23,919	10,049	45,906
					1933-34	16,087	16,756	16,399	49,242
					1934-35	14,867	12,336	20,510	47,713
					1935-36	13,583	18,095	26,487	58,165
					*1936-37	94,015	23,384	15,785	1,33,184

* Figures for 1936-37 represent allotment only. Figures of actual expenditure will be available after the close of the year.

MONEY SPENT FOR CONSERVATION OF PROTECTED MONUMENTS IN SIND.

1197. *Mr. Nabi Baksh Illahi Baksh Bhutto : (a) Will Government be pleased to state how much money is spent for conservation in Sind by the Archaeological Department annually ?

(b) How much of that money is spent on Muhammadan monuments and how much on non-Muhammadan monuments ?

Sir Girja Shankar Bajpai : (a) The amount spent fluctuates from year to year. Last year Rs. 4,596 was spent.

(b) Rs. 3,072 and Rs. 1,524 respectively.

CONSERVATION OF PROTECTED MONUMENTS IN SIND.

1198. *Mr. Nabi Baksh Illahi Baksh Bhutto : (a) Will Government be pleased to state whether it is a fact that almost the whole allotment for the conservation of the protected monuments in the Western Circle is spent in the Bombay Presidency and Sind monuments are neglected ?

(b) If so, do Government propose to consider the question of fair distribution of allotment between the Bombay Presidency and Sind according to the number of the protected monuments in each province ?

Sir Girja Shankar Bajpai : (a) No.

(b) Does not arise.

CONSERVATION OF PROTECTED MONUMENTS IN THE BOMBAY PRESIDENCY AND IN SIND.

1199. *Mr. Nabi Baksh Illahi Baksh Bhutto : (a) What is the system for conservation of protected monuments in vogue in the Bombay Presidency and in Sind, respectively ?

(b) Is it a fact that the conservation work in the Presidency as well as in Sind is carried out through the agency of the Public Works Department ?

(c) Is it a fact that in the Western Circle some subordinates were borrowed from the Public Works Department and archaeologically trained by the Archaeological Department for the supervision of the conservation work ? If so, how many such subordinates were trained in the Western Circle ?

(d) How many of those subordinates were Muhammadans and how many non-Muhammadan ?

(e) Is it a fact that all such trained subordinates at present serving in the Western Circle are non-Muhammadan ? If so, do Government propose to consider the question of appointing a proportionate number of archaeologically trained Muhammadans for the supervision of the conservation work ?

Sir Girja Shankar Bajpai : (a) and (b). The conservation work in the Bombay Presidency, with a few exceptions, is executed by the Bombay Public Works Department. In Sind, all the work (except at Mohenjodaro) is now carried out by the local Public Works Department.

(c) The Government of Bombay detailed a number of subordinates for work on archaeological monuments and placed them at the disposal of the Archaeological Superintendent. The number of such subordinates has varied from time to time and it is not possible to give an exact figure.

(d) Only one was a Muhammadan.

(e) Yes. The question is one for consideration by the Government of Bombay who are the deputing authority.

APPOINTMENT OF QUALIFIED AND ARCHÆOLOGICALLY TRAINED SUBORDINATES IN SIND.

1200. *Mr. Nabi Baksh Illahi Baksh Bhutto : (a) Will Government be pleased to state whether it is a fact that all the archaeologically trained Public Works Department subordinates of the Western Circle are posted in the Bombay Presidency and none in Sind ?

(b) If the answer to part (a) be in the affirmative, do Government propose to consider the question of appointing a proportionate number of qualified and archaeologically trained subordinates in Sind as well ?

Sir Girja Shankar Bajpai : (a) By "archæologically trained" the Honourable Member presumably means Public Works Department subordinates who have at one time or another been employed on archaeological works and thus acquired some experience of them. So far as the Government of India are aware, Sind is not without Public Works Department subordinates possessing such experience.

(b) Does not arise.

HONORARY MAGISTRATES ON THE EAST INDIAN RAILWAY.

1201. *Mr. Muhammad Azhar Ali : With reference to the reply given to starred question No. 453, asked in this House on the 14th February, 1936, regarding Honorary Magistrates on the East Indian Railway, will Government please state whether the staff of Honorary Magistrates are railway servants, or they are under and paid by their respective District Magistrates ?

Mr. P. R. Rau : Clerical staff for five honorary magistrates and peons for seventeen are railway servants.

Mr. Mohan Lal Saksena : Are Honorary Magistrates supplied with free passes ?

Mr. P. R. Rau : This question has been answered several times on the floor of the House. On the East Indian Railway, I believe Honorary Magistrates are allowed passes within their jurisdiction.

Dr. Ziauddin Ahmad : With what object ?

Mr. P. R. Rau : In order to facilitate their transportation from one place to another within their jurisdiction.

Dr. Ziauddin Ahmad : Are they used for private travelling or only when they are on duty ?

Mr. P. R. Rau : On duty, I believe.

Mr. Mohan Lal Saksena : Do they hold courts at different places ?

Mr. P. R. Rau : I think so.

SALE OF POSTAGE STAMPS ON HOLIDAYS AND SUNDAYS.

1202. ***Mr. Muhammad Azhar Ali** : Is it a fact that from the Railway Mail Service offices at Capital Stations of India and Local Governments postal stamps are not obtainable at any hour on holidays and Sundays? If so, is the Honourable Member for Industries and Labour prepared to consider the desirability of fixing such hours in the morning and evening which can conveniently be availed of by the public?

The Honourable Sir Frank Noyce : As regards the first part, the fact is not exactly as stated by the Honourable Member. In many of the Railway Mail Service Offices at large stations, stamps are sold during certain notified hours on Sundays and post office holidays. As regards the later part, the Director-General is issuing orders for similar arrangements to be made at the remaining Railway Mail Service Offices.

TICKET CHECKING STAFF ON THE EAST INDIAN AND NORTH WESTERN RAILWAYS.

1203. ***Mr. Muhammad Azhar Ali** : With reference to the reply given to parts (a) and (b) of starred question No. 465, asked in this House on the 14th February, 1936, regarding ticket checking staff on the East Indian and the North Western Railways, will the Honourable Member for Commerce and Railways please state the notification under which the control over the staff under Accounts Department was transferred to Operating Department?

Mr. P. R. Rau : I would refer the Honourable Member to the reply to Qazi Muhammad Ahmad Kazmi's question No. 832 asked on the floor of this House on the 26th February, 1936.

Dr. Ziauddin Ahmad : May I ask if it is a fact that they have got the same rules and the same orders for the N. W. Railway and the E. I. Railway but they are differently applied by the two administrations and that is the cause of the trouble?

Mr. P. R. Rau : My Honourable friend has brought that question to the notice of the Railway Board more times than one. There is no reason to alter our present orders.

Dr. Ziauddin Ahmad : Is it a fact that the Railway Board have issued the same orders to the two administrations?

Mr. P. R. Rau : I could not say without looking at the papers.

STAFF OF THE INDIAN RAILWAY CONFERENCE ASSOCIATION.

1204. ***Mr. Muhammad Azhar Ali** : With reference to the reply given to part (b) of starred question No. 469, asked in this House on the 14th February, 1936, regarding staff of the Indian Railway Conference Association, will Government please state the terms on which Government servants are lent to the Indian Railway Conference Association?

Mr. P. R. Rau : Railway servants are lent to the Indian Railway Conference Association ordinarily under foreign service terms laid down in Chapter XII of Fundamental Rules, a copy of which is in the Library of the House.

EDUCATIONAL ASSISTANCE TO THE CHILDREN OF THE RAILWAY STAFF READING IN THE HINDU AND MUSLIM UNIVERSITIES.

1205. ***Mr. Muhammad Azhar Ali** : With reference to the reply given to starred question No. 470, asked in this House on the 14th February, 1936, regarding educational assistance to the children of the Railway staff reading in the Hindu and Muslim Universities, will the Honourable Member for Commerce and Railways please state the schools and colleges other than at Lucknow which are recognized by the Railway Administration? If none, why not?

Mr. P. R. Rau : A statement is laid on the table.

Statement showing schools and colleges other than those at Lucknow recognised for the purposes of assistance granted under the (old Oudh-Rohilkund Railway) rules.

St. Joseph's College, Naini Tal.
 Diocesan Boys' High School, Naini Tal.
 All Saints' Diocesan College for Girls, Naini Tal.
 St. Mary's Convent, Naini Tal.
 Philander Smith College, Naini Tal.
 Wellesley Girls High School, Naini Tal.
 Oakgrove High School, Mussoorie.
 Caineville House School, Mussoorie.
 Convent of Jesus and Mary, Waverley, Mussoorie.
 St. George's College, Mussoorie.
 St. Fidelis' High School, Mussoorie.
 Woodlands School, Mussoorie.
 Woodstock College for Girls, Mussoorie.
 Wynberg High School, Mussoorie.
 Convent Jesus and Mary, Hampton Court, Mussoorie.
 Vincent High School, Mussoorie.
 Church of England Home Dumbarnie, Mussoorie.
 St. Joseph's Convent High School, Dehra Dun.

MILEAGE ALLOWANCE PAID TO THE ROAD VAN CLERKS ON THE NORTH WESTERN RAILWAY.

1206. ***Mr. Muhammad Azhar Ali** : With reference to the reply given to starred question No. 475, asked in this House on the 14th February, 1936, regarding mileage allowance paid to road van-clerks on the North Western Railway, will the Honourable Member for Commerce and Railways please state the result of the consideration and the final orders issued?

Mr. P. R. Rau : Government have issued orders to the Agent, North Western Railway, that steps should be taken to discontinue the mileage allowance and grant van checkers ordinary travelling allowance under the ordinary rules in force.

RENT PAID BY THE INDIAN RAILWAY CONFERENCE ASSOCIATION FOR
GOVERNMENT BUILDINGS AT DELHI.

1207. *Mr. Muhammad Azhar Ali : With reference to the reply given to starred question No. 476, asked in this House on the 14th February, 1936, will Government please state the amount of the rent paid by the Indian Railway Conference Association for the Government buildings at Delhi ?

Mr. P. R. Rau : Rs. 650 a month.

AMOUNT PAID BY THE INDIAN RAILWAY CONFERENCE ASSOCIATION FOR THEIR
DAK FROM DELHI TO SIMLA.

1208. *Mr. Muhammad Azhar Ali : Will Government please state whether the correspondence, letters, files and other articles from the Indian Railway Conference Association are transmitted by the Railway Administrations free of charge and freight ? If not, will they please state the amount paid by the Association for their dak from Delhi to Simla during the years 1935 and 1936 ?

Mr. P. R. Rau : The reply to the first part is in the affirmative and the second part does not, therefore, arise.

PROMOTION OF CLERICAL STAFF TO THE POSTS OF TRANSPORTATION INSPECTORS
AND LOWER GAZETTED OFFICERS.

1209. *Mr. Muhammad Azhar Ali : With reference to the reply given to part (b) of starred question No. 488, asked in this House on the 14th February, 1936, viz., "the 'Rules for the recruitment and training of subordinate staff' do not apply to clerical staff", will the Honourable Members for Commerce and Railways please state the rule which provides for the promotion of clerical staff to the posts of Transportation Inspectors and to the posts of lower gazetted officers ?

Mr. P. R. Rau : Rules for the recruitment and training of subordinate staff on the State-managed Railways do not provide for the promotion of clerical staff to the posts of Transportation Inspectors and Lower Gazetted Officers but there is no objection to the appointment to these posts of clerical staff who may be considered to possess suitable qualifications.

ADULTERATED TEA LEAVES SOLD FOR HUMAN CONSUMPTION.

1210. *Pandit Nilakantha Das : Will Government state :

(a) whether they are aware that any tea, not fit for ordinary human consumption and fit for either being turned into manure or for being used in extracting chemicals, like stannic acid, therefrom, is sold in India for human consumption, specially in provinces like Bihar and Orissa ;

(b) if so, what its average or approximate quantity is ;

(c) whether there is any factory or firm, specially in the Madras Presidency, for preparing non-tea leaves which are mixed up with tea to make cheap adulterated tea ;

(d) if so, which are those factories or firms, and what quantity (average or approximate) of such leaves they supply to the tea merchants of this country ;

(e) whether it is a fact that in big cities and settlements like Calcutta or Jamshedpur, used wet tea leaves are dried and coloured in large quantities to be mixed up with good tea for the markets for the poor people ;

(f) if so, what is the estimated quantity (average or approximate) of such dried and coloured tea used for adulteration ; and

(g) whether there is any provision, statutory or otherwise, to deal with such adulterations ; if so, what they are ?

Sir Girja Shankar Bajpai : (a) to (f). Government have no information but enquiries will be made and such information as is obtained will be laid on the table of the House in due course.

(g) There are Provincial Acts for the prevention of adulteration of food.

CONDITION OF HEALTH OF POLITICAL PRISONERS IN THE CELLULAR JAIL IN
THE ANDAMANS.

1211. *Pandit Lakshmi Kanta Maitra : (a) With reference to the statement laid by the Honourable the Home Member in reply to starred question No. 323, on the 11th September, 1936, regarding the condition of health of the Political Prisoners in the Cellular Jail in the Andamans, will Government be pleased to state how the prisoners came to have fracture, multiple injuries, contusion, sprain, wounds, abrasion and burns while in jail ?

(b) What precautions, if any, have the jail authorities taken to prevent recurrence of the same ?

(c) In view of the prevalence amongst the prisoners of pneumonia, bronchitis, bronchial asthma, influenza and rheumatism, do Government propose to provide them with sufficient warm clothing and make the cells sufficiently damp-proof and more sanitary ?

(d) Is it not a fact that the largest number of patients in this jail are sufferers from malaria and that the cases of malaria have been steadily on the increase year after year since July, 1933 ? What anti-malarial measures have been adopted by the jail authorities to check the menacing growth of this disease ?

(e) What is the latest condition of the three patients who had been suffering from pulmonary tuberculosis since 1933 ?

(f) Will Government be pleased to state the reasons for the steady increase in the total number of patients suffering from various diseases from 85 during July, 1933 to December, 1933, to 220 in 1934, to 276 in 1935 and to 162 in the first half of 1936 ?

(g) In view of the fact that out of the total of 300 Political Prisoners in the Andamans, 276 suffered from as many as 50 different kinds of diseases, do Government propose to take special measures for improving the sanitary condition of the Penal Settlement ?

The Honourable Sir Henry Craik : (a) and (b). I have no information as to how the prisoners received the injuries. Accidents probably happened either at play (football, etc.), or at work in the sheds or the kitchen.

(c) The statement does not warrant the view that pneumonia, bronchitis, bronchial asthma and rheumatism are prevalent among the prisoners. As regards influenza, the experience has been that each batch of prisoners from Calcutta brought influenza with them. There has however been a notable decrease in influenza cases. Adequate clothing is provided for the prisoners. The cells have good ventilation and are free from damp and the sanitary arrangements of the Jail are satisfactory.

(d) The large majority of malaria cases are recurrences of old infection. The Honourable Member is quite incorrect in assuming that malaria is on the increase. On the contrary, the percentage of convicts suffering from malaria has very much decreased. This improvement has been achieved by the draining of the swamps and by the careful medical treatment of the prisoners.

(e) There are no patients in the Jail who have been suffering from pulmonary tuberculosis from 1933. The very few prisoners who suffered from this disease were sent back to India. All had an unsatisfactory record of health before they were sent to the Andamans.

(f) and (g). There is no increase in disease if the increase in the number of prisoners is taken into consideration. In the period under review the number of prisoners has risen from about 160 to nearly 300. Many of the ailments—i.e., dyspepsia and coryza, which account for a large number of cases—are trivial. The health figures in the Cellular Jail compare very favourably with those of jails in Bengal, whence most of the prisoners come. The Government are satisfied that the health of the prisoners in the Cellular Jail is a credit to the administration.

OLD COACHING AND GOODS CARRIAGES AND WAGONS ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

1212. ***Pandit Sri Krishna Dutta Paliwal :** (a) Will Government state the number of coaching and goods stock—carriages and wagons—on the metre-gauge Bombay, Baroda and Central India Railway, that have become old and worn, i.e., their normal life has expired?

(b) Will Government state the number of the wagons which have been replaced by new ones and the number of old ones still working with slight repairs?

(c) Is it a fact that the said Railway Company has stopped replacing the time-worn stock and is merely doing patch work to keep them going? If so, why?

(d) Do Government propose to see that the old stock is regularly replaced by new ones as occasion arises?

(e) Is it a fact that the said Railway Company is selling plots of land in Jonesgunj and other places in Ajmer at high prices to the residents of the locality with a view to make profits?

Mr. P. R. Rau : (a) and (b). During 1937-38, 465 coaching vehicles and 1,966 goods vehicles in terms of 4-wheelers will have exceeded the

ages of 30 years and 40 years respectively. For the years 1934-35 to 1937-38, 1,116 goods vehicles in terms of 4-wheelers have been provided for in the budget estimates as replacements.

(c) Government have no reason to believe that such is the case.

(d) Government keep a constant watch over the position.

(e) No.

Mr. Mohan Lal Saksena : When does the contract of the B. B. and C. I. Railway expire?

Mr. P. R. Rau : In 1941.

Mr. M. Ananthasayanam Ayyangar : Are these carriages replaced every year?

Mr. P. R. Rau : As necessary.

Mr. M. Ananthasayanam Ayyangar : Will the Honourable Member consider the desirability of remodelling carriages whenever they are newly built in accordance with the model carriage shown at Delhi for third class passengers?

Mr. P. R. Rau : That is one of the considerations that is kept in view.

REPORT OF THE ISTAMRARDARS ENQUIRY COMMITTEE.

1213. ***Pandit Sri Krishna Dutta Paliwal :** (a) Have Government arrived at any conclusion concerning the Istamrardars Enquiry Committee's Report?

(b) If so, do Government propose to publish them?

Sir Aubrey Metcalfe : (a) No.

(b) Does not arise.

Prof. N. G. Ranga : Is that inquiry still going on or the report has already been submitted to the Government?

Sir Aubrey Metcalfe : I cannot say that for certain. I do not think the report has yet been submitted.

Prof. N. G. Ranga : Is it not a fact that as long ago as the Delhi Session of 1935, Government had promised to this House that this inquiry would be held as expeditiously as possible and relief would be given to the peasants there?

Sir Aubrey Metcalfe : If the Honourable Member wants the exact dates, then I must ask him for notice.

Mr. Mohan Lal Saksena : How long will this inquiry take?

Sir Aubrey Metcalfe : There, again, I must ask for notice.

PERIOD OF SUPERSESSION OF THE AJMER MUNICIPALITY.

1214. ***Pandit Sri Krishna Dutta Paliwal :** (a) Is it a fact that the period of supersession of the Ajmer Municipality expires in August, 1937?

(b) Do Government propose to extend the period of supersession or hand it over back to the public in August, 1937?

(c) If Government propose to extend the period will they state the reasons for doing so ?

(d) Is there any foundation for the report that the Local Government proposes to break up the present Committee also and hand over the administration to an administrator on a very high salary ?

(e) If so, will Government kindly state the reason or reasons for the same ?

Sir Aubrey Metcalfe : (a) The Ajmer Municipal Committee was superseded under the orders of the Chief Commissioner with effect from the 1st August, 1934. No definite period of supersession has been fixed.

(b) No decision has yet been reached as regards the future of the Municipality.

(d) No.

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

Mr. Mohan Lal Saksena : May I ask when do the Government propose to arrive at a decision in the matter ?

Sir Aubrey Metcalfe : As soon as possible.

Mr. Mohan Lal Saksena : Will it be before the end of this year ?

Sir Aubrey Metcalfe : That I cannot say.

Mr. Lalchand Navalrai : May I ask if this *Urs* fair still takes place in Ajmer ?

Sir Aubrey Metcalfe : I am afraid the Honourable gentleman has got on the wrong question.

Mr. Lalchand Navalrai : I am sorry.

THEFTS COMMITTED IN THE AJMER CITY.

1215. ***Pandit Sri Krishna Dutta Paliwal :** (a) Will Government please enquire and place on the table of the House a statement regarding the thefts committed in the city of Ajmer, within the Ajmer Municipal area from April 1935 to August 1936, showing (i) the total number of thefts committed and reported to the Ajmer city police, (ii) the total value of property stolen, (iii) the total value of the stolen property recovered and restored to the owners, (iv) the names and addresses of the persons whose property was stolen, (v) the number of cases sent up by the Ajmer city police courts, and (vi) the number of cases in which prosecution finally succeeded in getting the accused convicted ?

(b) Is it a fact that a large number of burglaries and thefts committed within the Ajmer Municipal limits from April 1935 to August 1936 have not been traced out ?

(c) Is it a fact that the expenditure incurred by Government on the detection of crime and on investigation of criminal cases has been considerably greater in the Ajmer city from April, 1935 to August, 1936 than it has ever been before ?

(d) What steps do Government propose to take in the matter ?

Sir Aubrey Metcalfe : The information asked for has been called for and a reply will be given to the House in due course.

PROSECUTION OF PROSTITUTES IN AJMER.

1216. ***Pandit Sri Krishna Dutta Paliwal :** (a) Is it a fact that on the recommendation of the Superintendent of Police and of the Commissioner, Ajmer-Merwara, prostitutes were prosecuted by the Municipal Committee in criminal courts, with the result that the area was cleared of them before 1935 ?

(b) Is it also a fact that on the recommendation of the police officers supported by the President of the Durgah Committee, Ajmer in 1935, a proposal was placed before the Municipal Committee, Ajmer, to recall the said prostitutes under the cover of "dancing girls" ?

(c) Is it also a fact that on account of public agitation the proposal referred to in part (b) above was not adopted by the Ajmer Municipal Committee ?

(d) Is it a fact that in 1935 a large number of prostitutes under the cover of "dancing girls" came to Ajmer and resided in the Durgah Bazar, Ajmer, during the *Urs* fair notwithstanding the continuation, on paper, of the resolution of the Municipal Committee prohibiting their residence in the said area ?

(e) Is it a fact that a prostitute named Shabbi who was being prosecuted by the Ajmer Municipal Committee at the time was virtually appointed by the Ajmer police authorities as Inspectress over the prostitutes referred to in part (d) above ?

(f) Is it a fact that the said Shabbi prepared and maintained a register of the said prostitutes on behalf of the police ?

(g) Will Government please place on the table of the House a list showing the names of the so-called dancing girls who visited Ajmer and stayed during the *Urs* fair of 1935 ?

(h) Will Government please place on the table of the House a statement comparing the number of cases instituted against prostitutes for disobedience of the Ajmer Municipal Committee resolution prohibiting their residence within certain specified areas in 1934 with the number of the said cases in the year 1935 ?

(i) Is it a fact that prostitutes resided in the Durgah Bazar, Ajmer, during the *Urs* fair of 1935 in violation of the resolution of the Ajmer Municipal Committee ? If so, why ?

(j) What steps do Government propose to take in the matter ?

Sir Aubrey Metcalfe : The information asked for has been called for and a reply will be given to the House in due course.

SUMMONING OF CANDIDATES FOR *Viva Voce* EXAMINATION BY THE PUBLIC SERVICE COMMISSION.

1217. ***Mr. Muhammad Nauman :** Will Government be pleased to state :

(a) the criterion for summoning candidates for interview in *viva voce* by the Public Service Commission ;

(b) whether the orders regarding adjustment of vacancies by various communities apply *mutatis mutandis* to candidates called for interview ; and

(c) if the reply to part (b) be in the negative, the reasons which led to this discriminatory treatment?

The Honourable Sir Henry Craik : (a), (b) and (c). In selecting candidates for admission to examinations, the Public Service Commission follow their own Functions Rules and the rules governing the various examinations which they conduct, all of which are in the Library of the House.

In selecting candidates for interview to determine their fitness for appointment by selection the Public Service Commission follow the procedure laid down in their Functions Rules.

When the applicants for permission to appear at an examination are so numerous that it is necessary to reduce the number, the Public Service Commission select those who are *prima facie* most suitable, but in doing so take care that the members of the different communities are allowed to compete in such numbers as to give them a fair chance of securing their due share of vacancies.

STANDING COMMITTEE ON RICE OF THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

1218 ***Mr. D. K. Lahiri Chaudhury :** (a) Will Government please state when the Standing Committee on Rice of the Imperial Council of Agricultural Research was constituted?

(b) Did the Committee sit at all since its constitution? If so how many times?

(c) Do Government propose to call a meeting of the Committee in view of the fact that Burma is going to be separated early in 1937 and the question of self-sufficiency of India in respect of rice will arise?

(d) Will Government please state if the Committee will be consulted at the time the Indo-British Trade Agreement and the matter of preferential duty on Indian rice will be taken into consideration?

(e) Is it a fact that in reply to a question of Mr. Akhil Chandra Datta during the last Simla Session, Sir Girja Shankar Bajpai promised that a meeting of the Rice Standing Committee would be called as soon as it was constituted? Why has not that promise been fulfilled yet?

(f) When was the Standing Committee on Wheat constituted? When and how many times the Wheat Committee met?

(g) Are not the Government of India aware that scarcity of rice prevails in Bengal and some other provinces and the matter of sufficient rice production is a serious question which should properly be tackled?

(h) Is it a fact that Rice Committee is to meet ordinarily twice a year? If so, why did it not meet this year at all?

Sir Girja Shankar Bajpai : (a) In February, 1936.

(b) No, but a technical sub-committee has met on many occasions.

(c) The first meeting of the Committee will be held in January, 1937.

(d) No.

(e) Presumably the Honourable Member is referring to the reply given to starred question No. 453 on the 18th September, 1935. It was merely stated that the Committee would be set up as soon as preliminary negotiations with the authorities concerned were complete; no undertaking to the effect mentioned by the Honourable Member was given.

(f) In February, 1936. The Committee met once in July, 1936.

(g) Government are aware that rice is imported into certain Provinces. The question of the production of rice in India will not be neglected.

(h) No. The Committee is to meet only when necessary and ordinarily in conjunction with meetings of the Advisory Board of the Imperial Council of Agricultural Research.

CHITTAGONG ARMOURY RAID PRISONERS IN THE ANDAMANS.

1219. ***Mr. D. K. Lahiri Chaudhury :** (a) Will Government please state if it is a fact that the conduct of the Chittagong Armoury Raid Prisoners in the Andamans is very satisfactory and even the officials speak highly of their conduct in the observance of jail discipline?

(b) Is it a fact that some of the said prisoners are very young? What is their age?

(c) Do Government propose to consider the question of transferring these young and well behaved prisoners back to Bengal at an early date and releasing some of them before the completion of their term in view of their good conduct and young age?

The Honourable Sir Henry Craik : (a) and (b). One of the convicts at the time of their conviction in March, 1932, was 15; the ages of the rest ranged from 17 to 26. I have no particular information as to their behaviour in the Cellular Jail at Port Blair.

(c) The Government of India are not considering any proposal either to release them or to transfer them to Bengal.

LICENCES FOR GUNS TO CULTIVATORS IN FOREST AREAS IN CHHOTA NAGPUR AND BIHAR.

1220. ***Mr. Ram Narayan Singh :** (a) Is it not one of the recommendations of the Royal Commission on Agriculture to liberally allow agricultural licences for guns to cultivators in forest areas to enable them to protect their fields from wild animals?

(b) If the answer to part (a) be in the affirmative, do Government propose to enquire and state whether these recommendations are given effect to by the officials in Behar in general and in the division of the Chhota Nagpur in particular and if so, to what extent?

(c) What is the policy of Government towards the vast amount of fodder growing and being allowed to be destroyed and not used for fodder purposes in reserved forests every year throughout the country in general and in the Chhota Nagpur division in Behar in particular?

Sir Girja Shankar Bajpai : (a) and (b). Attention of the Honourable Member is invited to the replies given to parts (b) and (c) respectively of his question No. 1660 answered in the Legislative

Assembly on the 8th April, 1935. The Government of India have no reason to assume that the Local Government and their officers are not giving effect to the recommendations of the Royal Commission on Agriculture on the subject. If the Honourable Member can give me instances to the contrary I shall bring them to the notice of the Government of Bihar.

(c) If the Honourable Member's suggestion is that fodder in Government Reserved Forests in Bihar suffers from the depredations of wild animals I would say that the Government of India have no information to that effect but will draw the attention of the Local Government to it if the Honourable Member so desires.

VISIT OF SIR MUHAMMAD YAMIN KHAN AND RAIZADA HANS RAJ TO THE ANDAMANS.

1221. *Mr. Ram Narayan Singh : (a) Is it a fact that Sir Muhammad Yamin Khan and Raizada Hans Raj, Members of this House, have been asked to visit the Andamans at their own cost ?

(b) Will they submit to Government any report about the conditions of the prisoners there and, if so, will that report be made available to all the other Members of this House ?

The Honourable Sir Henry Craik : (a) The two gentlemen will receive the usual allowances.

(b) They have not been asked to submit any report.

Mr. Ram Narayan Singh : If they are not going to submit a report, what was the use of sending them to the Andamans ?

Prof. N. G. Ranga : Is it for the sake of providing them with a pleasure trip that they are sent there ? Why have they not been asked to submit a report ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member can draw his own inference.

Mr. M. Ananthasayanam Ayyangar : Are we not entitled to ask the Government why they should not submit a report to the House ? They have gone at Government expense, and therefore they should submit a report.

Mr. President (The Honourable Sir Abdur Rahim) : Order, Order. What I said was not with regard to the report. The question was put whether they have gone on a pleasure trip or not and this, I say, is a mere criticism.

Mr. M. Ananthasayanam Ayyangar : Will you kindly ask the Honourable the Home Member to answer my question as to why they are not asked to submit a report ?

Mr. President (The Honourable Sir Abdur Rahim) : That is a proper question.

The Honourable Sir Henry Craik : I have explained that they have been asked to go to the Andamans in pursuance of an undertaking I gave. I have told them that I do not expect them to submit a formal report, but if they wish to do so, they can.

Prof. N. G. Ranga : In that case do Government consider the advisability of publishing any report that they may care to submit to them ?

The Honourable Sir Henry Craik : I do not know yet whether they are going to submit a report.

Mr. Lalchand Navalrai : May I ask the Honourable Member if the Government have asked them to submit a confidential report ?

The Honourable Sir Henry Craik : No.

Prof. N. G. Ranga : What was the nature of the undertaking that the Government gave to this House ? Is it that these people should be there in order to satisfy themselves about the conditions of the prisoners there and then come back and inform the House or not ?

The Honourable Sir Henry Craik : No, Sir. I gave no undertaking to this House. I only gave an undertaking in an interview that I had seen certain journalists.

Dr. Ziauddin Ahmad : Will not these gentlemen for their own advertisement give to the newspaper correspondents the report on their visit on their arrival or in other words the correspondent will extract the report from them ?

(No answer.)

Mr. V. V. Giri : May I ask if Diwan Bahadur Narayan Swami had submitted a report when he came from the Andamans ?

The Honourable Sir Henry Craik : I cannot precisely remember. I think he did.

Prof. N. G. Ranga : May I ask if the Honourable Member himself submitted any report or any observations to the Governor General in Council on his return from the Andamans ?

The Honourable Sir Henry Craik : No, Sir. I am not very good at writing reports.

Mr. Muhammad Azhar Ali : Are these gentlemen expected to give information on their conclusions to the Honourable the Home Member ?

The Honourable Sir Henry Craik : I have told them that I would be glad to hear anything that they may have to say.

Mr. Mohan Lal Saksena : Is it a fact when a deputation was sent to inquire into the conditions of the Moplah prisoners in the Andamans, that they did submit a report and it was published by the Government of India ?

Mr. President (The Honourable Sir Abdur Rahim) : That is a different matter.

Mr. Ram Narain Singh : Will Government consider the advisability of advising these gentlemen now to submit a report to them ?

The Honourable Sir Henry Craik : No, Sir. I think it is desirable that they should have an absolutely free hand to say as much or as little as they like.

RESOLUTIONS PASSED BY THE CORDITE FACTORY LABOUR UNION,
ARUVANKADU.

1222. *Mr. S. Satyamurti : Will Government be pleased to state :

- whether they have received copies of the resolutions passed by the Cordite Factory Labour Union, Aruvankadu, at their tenth Annual Conference, held on 1st December, 1935 ;
- the reasons why they have refused to make an equal contribution to the Provident Fund, and whether they propose to reconsider their decision and order an equal contribution being made ;
- the reasons why they have refused to introduce a scheme of gratuity for workers in that Factory, and whether they propose to consider the necessity of introducing a scheme of gratuity ;
- whether they propose to make an early announcement on this matter, and if not, why not ; and
- whether they are considering, in the alternative, granting to men, who retire after the required period of service, a pension as in the case of employees of other Government Departments, and if not, why not ?

Mr. G. R. F. Tottenham : (a) Yes.

(b) I would refer the Honourable Member to the answers I gave to the supplementary questions to starred question No. 508 on the 17th February, 1936.

(c) and (d). A scheme for the grant of gratuities to workmen and others on the temporary and extra temporary establishments of the Ordnance and Clothing Factories is at present under consideration.

(e) Does not arise.

HARDSHIP AND INCONVENIENCE OF THE TRAVELLING PUBLIC ON THE DISTRICT
RAILWAY BRANCH LINE RUNNING FROM SILIGURI TO KISHUNGUNJ.

1223. *Maulvi Badi-uz-Zaman : (i) Are Government aware that :

- the District Railway Branch line running from Siliguri to Kishungunj and vice versa has not sufficient number of carriages for the accommodation of passengers, with the result that the trains get packed up ;
- there are open trucks attached to the trains to carry passengers, and it is really unsafe to travel in them ;
- there is no latrine or privy in the trains excepting one in the first class ;
- there is no arrangement for the supply of water ;
- the carriages are of old and primitive type, having too narrow benches and most uncomfortable seats ; and
- the trains are generally late both in arrival and departure, suiting the convenience of the railway employees.

(ii) Do Government propose to take such steps as they deem necessary to remove the hardship and inconvenience of the travelling public on this line ?

The Honourable Sir Muhammad Zafrullah Khan : (i) The General Manager, Darjeeling-Himalayan Railway states :

- the accommodation provided is sufficient for normal traffic and extra carriages are attached when additional traffic is anticipated. Overcrowding occasionally occurs when a considerably larger number of passengers than has been expected offers ;
- that open trucks are not attached to trains for the carriage of passengers ;
- that lavatories have not been provided in all carriages since all trains stop at every station and halts of sufficient duration are provided at frequent intervals ;
- that there are arrangements for the supply of drinking water to passengers on request ;
- that the carriages are of the standard type used throughout the Darjeeling-Himalayan Railway System, and they have not had any complaints on this point hitherto ;
- that the trains are not detained to suit the convenience of railway employees. Owing to the limited train service, delays are sometimes caused in shunting goods vehicles when traffic is brisk and on market days, for the convenience of passengers.

(ii) I am bringing the Honourable Member's question and my reply to the notice of the Managing Agents of the Darjeeling-Himalayan Railway Company for such action as they may consider necessary.

Mr. M. Ananthasayanam Ayyangar : May I know whether there will be no questions tomorrow and the day after ?

Mr. President (The Honourable Sir Abdur Rahim) : No.

Mr. Mohan Lal Saksena : We have finished the questions today, because we have not got the other lists. I would request the Chair to give extra time for questions on the next day so that we may be able to finish the remaining questions. I understand there are yet many questions to be answered.

Mr. President (The Honourable Sir Abdur Rahim) : There are no more questions in my list.

Mr. Mohan Lal Saksena : I have myself given notice of about 50 questions and I expected them to be on the list at least.

Mr. President (The Honourable Sir Abdur Rahim) : They are not yet ready. I may however inform the House that there are so many questions which are inadmissible under the Rules and the Standing Orders. The office and I have not to go through all of them and also to examine them and thus a lot of time is taken up.

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Mr. M. Ananthasayanam Ayyangar : Some of my questions were disallowed and I have received a notice to that effect. I had thought that they were absolutely relevant and ought to have been admitted, but, of course, there can be a difference of opinion.

Mr. President (The Honourable Sir Abdur Rahim) : I may mention for the information of the House that questions are placed before me after having been examined by the office. I go through them, and pass them, they are then sent to the Departments concerned, if I and if they have any objection to the admissibility of a question, they make a representation to me. If I find that the representation is not well-founded, I confirm the original order. But, if I find that there is force in the representation, I disallow the question. When I disallow a question, the Honourable Member who put the question is informed accordingly, and the Honourable Member can, if he so likes, make a representation to the office or to me. In that case I re-consider the question and if I find that my previous order was wrong, I alter my decision. If, on the other hand, I find that my previous order was correct, I confirm it. I may also mention in this connection that some of the representations that have been made to me have been worded in unjustifiable language and I have warned the Members about it more than once.

STATEMENT LAID ON THE TABLE.

Information promised in reply to starred question No. 1087, asked by Pandit Lakshmi Kanta Maitra on the 10th March, 1936.

SCHOOLS FOR THE EDUCATION OF THE GIRLS OF EUROPEAN AND ANGLO-INDIAN EMPLOYEES MAINTAINED BY THE BENGAL AND NORTH WESTERN RAILWAY.

(a) and (c). No separate schools for the education of the girls of European and Anglo-Indian employees are maintained by the Bengal and North Western Railway, but girls are admitted in the schools maintained for boys.

(b) Does not arise.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 51, ETC.)

The Honourable Sir Henry Craik (Home Member) : Sir, I beg to move :
 "That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes (Amendment of section 51, etc.), as reported by the Select Committee, be taken into consideration."

Sir, this Bill has been before the Assembly for a considerable time. It was introduced in February, 1935, and the motion for circulation was carried in that month after a lengthy debate. There was a further reference to Select Committee in September, 1935, and the Select Committee actually sat in March of this year. But unfortunately, owing to the demands of other business it was not possible to consider this Bill. After the Select Committee had reported during the last Delhi Session, and I was at one time afraid that this Bill would have to be among the

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

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measures to be jettisoned during the present Session. Fortunately, I am glad to say that we have got this opportunity of considering it, and I hope passing it, today.

Sir, the principles of the Bill have been very fully discussed in this House, first during the motion for circulation and then in September last year when I moved for reference to a Select Committee. It will, therefore, I think be agreed that it is not necessary for me to discuss the general principles of the Bill again. I take it that the main principle—which is that honest debtors, that is to say, debtors who are neither dishonest nor recalcitrant, are to be saved from imprisonment for debt—I take it that that principle has the general approval of the House and what we are now considering is the final form of the Bill. I need do little more than refer to the report of the Select Committee, in which the changes made by the Select Committee have been explained.

The main changes of substance are in clause 2. The first change is the insertion of the words "where the decree is for the payment of money". That insertion has been made merely to stop a gap inadvertently left in the Bill as drafted, because it is common ground that the decrees we are concerned with are decrees for the payment of money and not such decrees as for example that for the specific performance of a contract, or to take another example, for the restitution of conjugal rights. The second change in clause 2 is one that has been made in the interests of debtors. One of the grounds which the Bill provides for a debtor being committed to prison is that he had, after the commencement of the suit, made away with his property or any part of it. As originally worded, the Bill would have permitted the imprisonment of a perfectly honest debtor because he might, for some quite unexceptionable reason, have had occasion to transfer part of his property, and that transfer might have had the effect, though not the object, of defeating or obstructing the execution of the decree. The intention now is to deprive only debtors guilty of bad faith or dishonesty of the protection of the Bill, so that we have put in the word "dishonestly" in sub-clause (ii) of clause (a) of the proviso to clause 2 of the Bill. The third change that we have made in this clause is to permit the Court to order imprisonment when the debt is for a sum for which the debtor was responsible in a fiduciary capacity. This phrase we have taken from rule 40 of Order XXI of the Code of Civil Procedure. As the law stands at present, the Court, before ordering imprisonment, may consider various matters. They will be found detailed in that rule 40 of Order XXI;—one of them is where the debt is for a sum for which the debtor was liable in any fiduciary capacity, and another matter is his behaviour in that capacity. We see no reason to protect the debtor who has committed a breach of trust, and therefore we have added this ground as a justification for sending a debtor to prison. I think that is obviously in accordance with equity.

The fourth change that we have made in clause 2 of the Bill is that we have made two changes in the Explanation. The Explanation as now drafted says that when the Court is considering whether the debtor has means to pay the sum due under a decree, it should "leave out of account any property which by or under any law or custom having the force of law for the time being in force is exempt from attachment in execution of the decree". We added those words, "any custom having the force

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[Sir Henry Craik.]

of law", because we know that there are such customs, for example in the Punjab, and we have substituted the words "exempt from attachment" for the words "exempt from sale", because the criterion for deciding whether the property of a debtor is to be made available for meeting a decree-debt should be its liability to attachment rather than its liability to be sold. Attachment of course is the first stage, and sale is the second.

The rest of the Bill has been practically unchanged in Select Committee. The only other material change I need mention is that in clause 4 we have substituted "fifteen days" for "ten days" as the period of grace which a Court can allow before transferring a debtor from the custody of an officer of the Court to a civil jail.

So much, Sir, for the Bill as it has emerged from the Select Committee. The previous debates in this House showed that we must expect two kinds of criticism—one which alleges that the Bill goes too far in the way of protecting the debtor, and the other which alleges that it does not go far enough; and you will see from the two minutes of dissent that one of them—the minute signed by the Honourable Member from Sind Mr. Lalchand Navalrai—is from the side of those who think that we are going too far, whereas the other, signed by Captain Lal Chand and Mr. Ghiasuddin, is from the side of those who think that it does not go far enough. The first Honourable Member, my Honourable friend, Mr. Lalchand Navalrai, wants to have the Bill restricted to very narrow limits but I believe the general sense of the House to be against that. We want the Bill to apply to all debtors—never mind whether they are industrial workers, or agriculturists, or salaried servants, or anyone else. The other two gentlemen, Captain Lal Chand and Mr. Ghiasuddin, want what they call only a small alteration in clause 3. They suggest that after the word 'affidavit' that is to say after the words 'if the court is satisfied by affidavit', there should be introduced the words 'and other reliable evidence'. I do not think that small alteration is necessary. I do not share their fears that the present wording of the Bill will leave open the door to the unscrupulous moneylender to put in a false affidavit. We can I think, trust the Courts not to be misled by such allegations as the unscrupulous moneylender may make.

I have only to say in conclusion that I believe this Bill is a reasonable compromise and that it will do a great deal to protect the honest debtor—that is the debtor who genuinely wants to pay his debts but cannot, from the misery and degradation which he has at present to undergo by being sent to jail. I trust the House will agree to pass this measure in its present form. (Applause.)

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

"That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes (Amendment of section 51, etc.), as reported by the Select Committee, be taken into consideration."

Prof. N. G. Ranga (Guntur cum Nellore : Non-Muhammadan Rural) : I am glad that at last this Bill has come back to this House in this shape. I was even afraid that it might not be brought up again during this Session. I do not know whom to thank for this small mercy. It cannot be the Government because if really the Government had felt so keenly

at this Bill as they had felt about so many other Bills which really go so much less to the masses of this country than this Bill, they would only have brought it up in the last Delhi session and got it passed March alone. Sir, this Bill should have been passed long long ago in the first session of the Assembly, 1935, February, but more an accident than by an intention it had to be sent into circulation. We were hoping that as soon as it came back from circulation, it would be read in the Simla session of 1935. We were disappointed again in the winter session and even in this session almost by a fluke of chance it escaped the guillotine of adjournment of this House and has happily lived. It is rather unfortunate that Government even when they want to do a good thing do not really know how to do it and do not know really what to do it.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Why do you teach the Government?

Prof. N. G. Ranga : I will leave that work to be done by my Honourable friend, Mr. K. Ahmed, who, I hope, will also join us in supporting the Bill and getting it passed, so that the agriculturists and others in the country would be benefited. But, Sir, my sincere view is that the Bill does not go half as far as it should have gone. It is not because the Government do not know the real desires and needs of the masses. They are forewarned about them even in the very first session of this Assembly in 1935 and yet they have stuck to their own point of view and like the urbons of old they refuse to learn anything whatsoever and they use to unlearn anything. They have contemptuously dismissed all the suggestions that have been made to them on the mere plea that these people are amateurs and cannot be expected to know as much as they themselves. Only consolation that they seem to have is this that there are some people who think that this Bill goes too far and therefore they must be fully in the right because they do not satisfy those of us who are supposed to be extremists. This is a queer point of view to take. As I have said before, this country has been faced with economic crisis, the peasants have been asking for special emergency assistance and legislation from the Government, but they have been denied that assistance. Then this little of a Bill they proposed and yet they have delayed it for two years and yet they come forward with this by saying that they do not wish to go as far as we people want them to go merely because there are some people who think that it has gone too far. Even with all that, we find there are two Honourable Members of the Select Committee who have thought that it has not gone far enough, as against one Honourable Member of the Select Committee who thinks it has gone too far. Even on that ground, the Government should have chosen to accept their very moderate amendment for the inclusion of these few words 'and other reliable evidence'. Even that, the Government do not propose to do. They should have at least paused a little before they dismissed those suggestions and after all one of them is one of their own beloved nominated members and his advice at least should have been trusted by them and when it suits them they are prepared to dismiss the advice given by one of their nominated Members however trusted he may be in all other respects. I am very dissatisfied with the Select Committee. There are some of their nominated Members belonging to our group and I cannot understand how the Select Committee became so opposed to the legislation that exists on the Statute-books of the various

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Provincial Governments and have not seen reason for trying to exempt the honest agriculturist from any fear of being sent to jail for civil debts. There is the Deccan Agriculturist Relief Act which prevents any peasant from being sent to jail for a civil debt. My Honourable friend, Mr. Gaugu, who will follow me will provide the House with details which could have guided the Select Committee in helping the peasants. But they seem to have become blind to all ideas of progress, all ideas of helping the masses.

Then, there is what is known as the Punjab Land Alienation Act. Even that would have given them an idea as to how and to what extent the peasants could be helped even through the means of a Bill like this. But the Members of the Select Committee have become blind again to all promptings of progress and all desires of our people. It may be said that this Bill goes too far, that it seeks to help the debtors as against the creditors and that it seeks to restrict your credit and therefore in fact it is not an unmixed blessing and that it goes even against the very people who are supposed to be helped. But I beg to submit that that is a wrong point of view to take. If there is anything wrong at all with our peasants and masses, it is that they are unnecessarily loaded with too much credit, that it is no good for them at all and our own moneylenders, bankers, co-operative banks and all other institutions which are interested in carrying on the business of moneylending are not a little to blame in their anxiety to force money on the agriculturists, almost in an unholy rush and thus they force the peasants to fall into the clutches of the lawyers and the courts. Therefore, Sir, I express my very deep disappointment at the Bill because of the delay on the part of the Government in trying to pass this Bill into an Act, and my great disappointment in the failure of the Government in not proposing to go a little further than what this Bill seeks to do and my disappointment also at the failure of the Government in not trying to consult the peasants themselves as to the manner in which this Bill could be amended in order to help them more effectively than this Bill seeks to do. Sir, I support the Bill.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I am not surprised at what my Honourable friend Prof. Ranga said that this Bill should have gone still further. I know his angle of vision is always in one direction and that is with regard to the peasants. But I can tell him that with regard to the peasants he should have no grievance at all because most of the provincial Governments have actually enacted laws to give relief to the agriculturists in respect of arrest and imprisonment. In the Bombay Presidency there is the Deccan Relief Act. Section 21 of that Act provides that no agriculturist will be sent to jail under a money decree. And agriculturist is defined as a person who works as an agriculturist, i.e., who works with a plough, or whose income mostly comes from agriculture. Therefore he can have no grievance. On the contrary my humble submission would be that this Bill is too wide. Now, I must say that I am not as interested in this business as Prof. Ranga. I am neither a creditor nor a debtor and I can take an impartial view of this and consider the question from both points of view. Sir, it should not be considered that I have no sympathy with the poor debtor but I must say that I have not too much of zeal or too much of sympathy for him which will be misplaced. If you look at the present Bill as it has emerged from the Select Committee you will find that it goes

beyond the original object of amending section 51 of the Civil Procedure Code. That section provides that one of the methods of recovering debts from the judgment-debtor is by arrest and detention in prison. Now that section is being amended by putting a proviso which says that for a money decree there will be exemption of the judgment-debtor from arrest. And the only remedy left to the creditor to obtain his money from the judgment-debtor is now being taken away. In their zeal for the debtor most of the provincial Governments have made laws which have deprived the creditor of their remedy against the judgment-debtor, like the Deccan Relief Act in the Bombay Presidency ; and I am sure there are such Acts in some other provinces also. The creditors have given money and all of them are not Shylocks or dishonest people, but rather the contrary I think. But what I submit is that the provincial Governments have already given such protection ; and the protection having been given we should not be blind to the fact that they have already curtailed the remedies of the creditor to recover his judgment debt. The House knows how many difficulties there are in the way of the creditor to go to court and recover his money. The debtor will come forward and say that he has made payments from time to time. The case will be adjourned to find out whether he has made payments or not and in the end he will not be able to prove it and after two or three years the matter will be decided and there will be a decree for the creditor. What happens then ? If a decree is made that decree becomes only a paper decree.

An Honourable Member : Is not that a dishonest decree ?

Mr. Lalchand Navalrai : It is a most honest decree, because the man gave money at a time of need and when he goes to recover it false allegations and false pleas are raised in courts. Those who are pleaders and advocates know how these things happen. However, I do not say that all debtors are dishonest, but generally a debtor is never willing to pay his dues, and it is only exceptional people who pay. Every such debtor would like to avoid payment and yet these people are called honest debtors.

An Honourable Member : For one rupee he has to pay one hundred.

Mr. Lalchand Navalrai : Those days are gone. It is only a bogey now that they have to pay so much above the decretal amount. Now it comes to this that when he has to get a decree under the Deccan Relief Act and such other Acts the Court has to go into the history of the transaction. If he has paid one thousand rupees and the debt is for two or three years, the court ordinarily would not be allowed to go into that. But what actually happens is that the courts go into them under the above Acts and find out whether which items have actually been paid or not, even though there is an acknowledgment that such amounts are due. The whole thing is reopened and gone into and then some decree is made. But it is after the decree is made that difficulties arise. What are the difficulties ? There is an Act which is called the Encumbered Estates Act. If the debtor has a small holding for which he pays an assessment of about Rs. 300, he can come under that Act and the whole debt will one day be washed out. There will be difficulties and no decree will be effectively realized because it then lies with the manager an executive officer to give relief or not. It has been provided in those Acts that an agriculturist will not go to jail. But apart from that, is there any sure remedy against property ? So far as the agriculturist is concerned, his

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property will not be attached and sold except when it is mortgaged. That is a difficulty. The creditor has got no relief against the property and now this Act provides with some limitation that in all money decrees for a lesser or greater amount, the man must not be sent to jail. The history of this legislation is this : the matter was initiated by the Royal Commission on Labour. That commission went into the question of the workers and found that some relief should be given to them, to the workers who were poor, and they suggested that a Bill should be brought in for the workers. In that Bill those whose wages or income was less than Rs. 100 were given relief from going to jail. The Royal Commission on Labour did not go into the question of the agriculturists and others, but I say that the agriculturists have been provided for by the Deccan Act and such other Acts. These are the two classes of persons who are mostly debtors. The Government of India should therefore have restricted the scope of this Bill to the workers who get less than Rs. 100. Instead of that, what did they do? This will show the zeal with which the Government was putting forward this Bill. The Government seems to have been led away by some views of the provincial Governments and they have come to this stage of presenting such an extensive Bill. The Bill that was brought in originally was too wide : Under section 51 they put in a proviso that execution by detention of any person shall not be ordered unless after giving the judgment debtor an opportunity of showing cause. But in the Select Committee they came down a little, though I say they should have come down still further to relieve only those people who were really poor, or rather the workers only who were poor. If they wanted to protect others also, they should have provided that any man who earns below Rs. 50 or Rs. 100 : should be saved from jail and not all in "all decrees of money". I know that the Select Committee by a majority recommend that the Bill be passed ; but I think on cool consideration you will see that to exempt all judgment-debtors of money decrees from going to jail, is very hard and I hope the House will not perfunctorily dispose of the matter, saying that there is very little time left and the Bill should be passed hurriedly. If they consider the matter coolly, they will see the Bill is not fair to both sides. I would have no objection if I considered it fair. I do not say that the debtor should be harassed, but there should be no unfairness to the creditors.

Mr. K. Ahmed : Why do you not write a minute of dissent then?

Mr. Lalchand Navalrai : My Honourable friend asks why I have not written a minute of dissent : I have.....

An Honourable Member : Do not take any notice of him.

Mr. Lalchand Navalrai :and this is what I said.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member need not read it : it is there.

Mr. Lalchand Navalrai : I will just say what it means. My first complaint is that all this enthusiasm is for the debtor alone. There should be some consideration for the creditor in all fairness. Next I say that the Bill should be restricted to workers and should not be so wide as it is. Another thing is that the burden of proof is being shifted on by this Bill to the creditor and that, I think, is putting the cart before the horse and is doing a thing which is most unwarranted and against the principles

of the law of evidence. Again, there is discretion, according to the present law, to the court to issue notice to a man to come and show cause. That power of the court is also being restricted too much. I submit the House has got to consider all these points. I have given notice of certain amendments and when they are taken up I will say something more. At present I will only submit that the House should not be carried away only by feelings for the debtor. I am not an enemy of debtors and on the contrary I think they must be given some relief, but not so much, at the cost of the creditor.

Mr. M. S. Aney (Berar Representative) : Sir, I am glad that the Bill has come to the stage of consideration in this session. 12 NOON. As my friend, Prof. Ranga, has remarked, the measure was overdue and most of us would have welcomed a Bill even in the last session and would have given such assistance as lies within our power to get it passed even then.

On a measure like this, one would not be surprised if there is some little difference of opinion. But when we read all the provisions of the Bill carefully, I think the Select Committee has taken care not to allow the measure to be unduly favourable to creditors as against the debtors. After all what does the creditor intend to do? The creditor's real remedy or object when he passes the money is to get the money back and he generally relies not upon the man to whom he advances money but upon the little property the man holds : he expects to get his money paid out of what the man is able to make out of his property or his earnings in other ways ; and if this Bill does not altogether take away the remedy of the creditor from dealing with the debtor when he wants to deal unfairly with his property with a view to defraud the creditor, then I believe the Select Committee has taken all the precautions it ought to take in a matter of this nature, and, instead of reading out the provisions, I have carefully read the report and I say that sufficient precaution has been taken. As regards the question of burden of proof, it is rather difficult to say but one thing I can say. A man who wants to take an extraordinary remedy ought to be the person to show if there is any need for him to take that extraordinary remedy. To rob a man of his liberty, because he is unable to pay the debt which he owes to me is in itself an extraordinary step. You are not dealing in an ordinary way at all. You don't want that man to be in a position to pay you at all for some time. That is the situation one desires to create by applying for arrest and detention. It is for an extraordinary remedy that a creditor goes to court with an application and when he goes for an extraordinary remedy like that I think it is reasonable that he should be prepared to give to the court a proper reason for demanding an extraordinary step like that. When the extraordinary nature of the situation is realised, one would not be surprised as to how and where the burden of proof should lie and in the Bill it has been properly placed on the creditor. He goes with an application of that kind. These are the main things. It is not a question of angle of vision. It is a question of looking at the thing from a proper point of view and therefore it is that we find that the Bill emphasizes the fact that certain things the creditor must prove before he can succeed in getting an order of arrest or detention. I think the Bill has done the right thing. The House should of course give careful consideration to all the amendments that will be put before the House but after all it

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should see the desirability of having a salutary measure like that passed at this stage and not unnecessarily prolong the discussion. I am sure that the House feels grateful to the Honourable Member for having expedited the process and brought the Bill for consideration in this session.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural) : It has been fully stated here that this Bill was long overdue and that the Select Committee has done the right thing in supporting the provisions of this Bill. For a long time creditors have taken advantage of the illiteracy of the masses and sometimes also of the little educated people, although they belonged to the middle classes. This Bill only protects honest debtors. It does not say a word that it will protect dishonest debtors. The only thing that I am surprised about is that this Bill was not published in the United Provinces in the language that obtains in that province, namely, Urdu, but it was published in English. This is the only complaint that I have to place before the Honourable House. These small matters go a great deal to injure the rights of the public and I hope that in future very great care will be taken to publish these things in the vernacular of the province in which they are published. I find that in Bombay it was published in Urdu but that in the United Provinces it was published in English. However, it is only by way of suggestion that I have made this remark. Now, Sir, it has been my own experience in my practice as a lawyer that advantage was taken by creditors in every case practically. They all went to court, mostly with practically false affidavits—that the judgment-debtor was about to leave the station or he was about to run away and specially in the Small Cause Courts, they have always put in such affidavits. This Bill only relates to money decrees and when my friend, Mr. Navalrai, says that no pound of flesh is asked to be taken from the debtors, I would say that only detention in a civil prison is a sort of pound of flesh. Sir, I need not say more on the subject as I find that much has been said and the Honourable the Home Member has explained that it is a very salutary Bill. So, I support it.

Mr. K. Ahmed : Mr. President, I will not take more than two minutes. I join my friend, Mr. Aney. He congratulated the Government on bringing in this Bill. I thank him, because he is also a part and parcel of that Heavenly created body that has got its birth by nature. It was opposed by my friend, Prof. Ranga, who has criticised the Bill in such a way that there was no justification for him to attack the Government, and finally he dropped down and supported the Bill and became hopeless. He poses to be a great benefactor and representative of the peasants. He quoted a piece of legislation which is called the Deccan Agriculturists' Relief Act of 1869 which was passed before my friend was born, and still the agriculturists in that part of the country are in the same condition, and my friend, since he has come to this House, has reconnoitred and gone so far as to find out some loopholes in the Government saying that this Bill has been on the anvil since 1935 and the Government have done nothing since then. Then, I come to Mr. Azhar Ali.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has exceeded his own time limit.

Mr. K. Ahmed : My friend, Mr. Navalrai, poses to be a great benefactor of the money-lender. It seems to me that he is a practitioner in the civil court, and as if he represents the money-lenders alone who are his clients. He said that the money-lenders form 99 per cent. of the constituency he has the honour to represent, and most of them are not dishonest. He has been a member of the Select Committee as well, and, because the majority of the members of the Committee did not agree with him, he has written a minute of dissent which is not a minute of dissent at all on the subject he is now speaking. I cannot congratulate my friend, Mr. Azhar Ali, because he has shown his weakness, in so far as he said that his Province did not follow this piece of beneficial legislation for want of circulation in the vernacular which would equally benefit the constituency that he comes from.

Mr. Muhammad Azhar Ali : I did not say that it did not follow it.

Mr. K. Ahmed : It is not translated in the vernacular, in Urdu, he said. Where there is a Province called Bengal, or there is a Province called the United Provinces, where the Bill was not translated in the vernacular before the circulation that may be so written in the Bill, and that it was not fully translated. But there are vernacular papers which translated the Bill as published in the Provincial Gazette. Therefore, there is no justification which can lie in the mouth of my friend for criticizing this Bill, instead of thanking the Government for moving such a Bill before the House.

Now, Sir, in Bengal, we have got the Indebtedness of the Agriculturists' Relief Act passed in the year 1934. There, Sir, the Bill goes beyond the scope which has been suggested by my friend, Mr. Lalchand Navalrai. The Royal Commission on Labour suggested certain criteria and we said that in the case of labourer whose income is less than Rs. 100, he cannot be convicted and imprisoned, and, therefore, there is no scope for my friend, Mr. Lalchand Navalrai, diverting his attention and accusing the Government that this Bill has simply been considered from the point of view that was taken by the Royal Commission on Labour only. Under these circumstances, Sir, I have the honour to support the Bill and I welcome it. I have certain points of criticism to offer with regard to the amendments of which notice has been given and shall wait till they are taken up.

Mr. President (The Honourable Sir Abdur Rahim) : The amendments are not now before the House.

Mr. K. Ahmed : Very well, Sir, when that stage comes, I shall offer my criticisms.

Several Honourable Members : The question may now be put.

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

“That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes (Amendment of section 51, etc.), as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

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

“That clause 2 stand part of the Bill.”

L4021AD

Mr. Lalchand Navalrai : Sir, I move :

"That in clause 2 of the Bill, in the proposed proviso to section 51, after the word 'Provided', the words 'in case of industrial workers in receipt of wages less than rupees one hundred' be inserted."

Sir, I will not be long on this amendment, as I know that as yet I have not been able to induce the House or most of the Members to see that there is a great weighing down of the scale on one side. I maintain that the scope of the Bill is too wide. I fear that the Bill which has now been made to apply in the case of money decrees to any extent of any amount, has now been rendered too wide in its scope. Now, Sir, it has been said as I find in the Select Committee's Report that some of the Provincial Governments have expressed the opinion that the Bill should apply to all the debtors but I find from the Opinions in my hand that the opinion of the Bar Associations and several other Associations is to the contrary. Therefore, it is only because of the wish of some of the Government officers who have wished it so that this Bill has been taken to that stage. Now, I find that in Paper No. 1 at page 25 the British Indian Association, Calcutta, said this :

"The Bill under review, on the other hand, applies to all judgment-debtors and the protection is not restricted to small debtors only. On analysing the Bill it is found that judgment-debtors are favoured at the cost of judgment-creditors. This is a position with which our Committee are not in agreement. Creditors lend money and nothing should be done to encourage non-payment of debts unless it is for the public good. That is the fundamental principle which guides all canons of lending and borrowing. The Bill contemplates a situation which does not seek to do justice to credit-money. Our Committee base their objections to the Bill on, amongst others, the following grounds....."

And then they have given the grounds, to show that already rule 40 of Order XXI of the Code of Civil Procedure provides a remedy which is sufficient. Now I submit that the scope of the Bill is very wide, and Government should restrict it by accepting this amendment. I have already said, Sir, that there are provisions for the agriculturists in the Provinces. Then, I would say that the Howrah Bar Association also has this opinion :

"My Association entirely disapproves the principle underlying the Bill and the forms in which relief is sought to be given to a certain class of people. In the present state of society the enactment is uncalled for and unwarranted. The term 'honest debtors of all classes' is a very bold but peculiarly unhappy expression. Debtors have very little reputation of being honest as a class. Circumstances tend to make them more dishonest and degraded than any other class of people. To make them appear more sinned against than sinning would be giving a premium to repudiation of debts. The abuse of the provisions of the Insolvency Act of 1907 by debtors led to the enactment of the more stringent measure of 1920. My Association is of opinion that the provisions of the present Code of Civil Procedure and Insolvency Acts are ample safeguards for relieving distressed debtors."

Now, Sir, I would submit that the Government's strong point is that this Bill is being amended in order to help the honest debtor. Now I would ask—what is an honest debtor? If really there is an honest debtor and he is not able to pay, well an honest debtor means one who surrenders all he has. (Laughter.) (An Honourable Member : "To one creditor?") He must place all that he has before his creditors. For that, there is already a provision; there is the Insolvency Act. If a man who is not able to pay his debt goes to the Insolvency Court, provision will be made for his maintenance and that of others also, of course, and that remedy is already in existence. Therefore, I submit that to have the scope of the

Bill so wide is very wrong and I would ask the House to reconsider its position and support my amendment.

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

"That in clause 2 of the Bill, in the proposed proviso to section 51, after the word 'Provided', the words 'in case of industrial workers in receipt of wages less than rupees one hundred' be inserted."

The Honourable Sir Henry Craik : Sir, I regret I cannot possibly accept this amendment. The principle of the Bill is to give protection to the honest debtor of whatever class—whether he is an industrial worker, or a clerk, or an agriculturist, or whatever he is. The suggestion that the Bill should be limited to industrial workers in receipt of wages of less than Rs. 100 is opposed to the whole spirit and principle of the Bill, and I trust that the House will reject this motion.

Some Honourable Members : The question may now be put.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, I oppose the amendment moved by my Honourable friend, Mr. Lalchand Navalrai. I am rather surprised that my Honourable friend seems to have a different kind of experience than the one which we have in the Madras Presidency. He is fundamentally wrong in thinking that each province has made a provision for the relief of agricultural indebtedness or debtors who are agriculturists. In my province of Madras there is no provision exempting an agriculturist from arrest or detention in execution of a decree of the civil court for debts. A similar provision no doubt is there under the Deccan Agriculturists Act but it does not apply to all the Presidencies. Sir, it is improper to try to restrict the scope of this Bill only to the industrial workers. Arrest and detention in execution of a decree for debt is a relic of the barbarous age. Man is not a chattel to be sold. I have known many cases where a man, who has been avoiding arrest, was prepared to place all his property at the disposal of his creditors and yet he was not able to keep himself away from the jail. I ask my Honourable friend, Mr. Lalchand Navalrai, whether the debt of a man is extinguished if he is sent to jail? Is it so? No, Sir. If a man is sent to jail, the debt is not extinguished. What then is it for? It is for the purpose of coercing him. Even if he has got property worth Rs. 5,000, he may not be able to raise money immediately even for the payment of a decree worth Rs. 500. I know of instances of judgment-debtors who were prepared to place all their property at the disposal of their creditors and yet the Insolvency Court has not been able to release them. Of course, the judgment-debtor must seek the protection of the court but it is entirely at the discretion of the court to grant him protection or not from arrest in execution of a decree. There is this lacuna in the Civil Procedure Code and the Provincial Insolvency Act which must be remedied. What can a judgment-debtor do? He is prepared to place all his property at the disposal of his creditor and even then he is not released. In some cases the creditor knows definitely that his judgment-debtor has no more property, still he goes on coercing him so that the jewels which his wife wears and which have been given to her by her parents and which do not belong to her husband may be sold and his debt paid. In order to get the money in this way he is prepared to

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Mr. J. A. Thorne (Government of India : Nominated Official) : No one who heard the Honourable the Mover read his amendment, or who reads it for himself on the Order Paper, can do so without feeling that it is extremely awkwardly expressed. That, I suggest, is not merely or mainly a matter of bad drafting, but because the Honourable the Mover is trying to import into the Bill something which is not essential. This really amounts to a pious wish or hope, and we who are concerned to have in the Bill only what is essential would propose to keep anything out of it which is not necessary for the purpose of the Bill and which confuses the issue by the expression of a pious wish. I submit, Sir, the Honourable the Mover is quite wrong in thinking that his amendment enables or would enable a court to do what it is not enabled to do by the provision itself. The provision in our Bill is not that if a man is likely to leave the local limits of the jurisdiction of a court he shall be arrested, it is that the court has got to be satisfied for reasons recorded in writing that he with the object or the effect of obstructing or delaying the execution of the decree is likely to leave the local limits of the jurisdiction of a court. I submit it is perfectly open to the judgment-debtor to go to the court and say "I want to go to Bombay or elsewhere, I am prepared to leave my address, I am prepared to satisfy the court that I will return" and it is perfectly open under the Bill as drafted for a court to give him that permission, if it is satisfied that his leaving the local limits of the jurisdiction of the court will not have the object or effect of obstructing or delaying the execution of the decree. Sir, I oppose.

Mr. Lalchand Navalrai : Sir, it seems to me that this amendment is unnecessary. If the Honourable Member refers to clause 2 (a) (i) he would find the words :

"is likely to abscond or leave the local limits of the jurisdiction of the court."

Now, Sir, in the first place 'abscond' in itself means what it is. He must go either secretly or he must go to a place where he will not be found. As regards the other words also, *ejusdem generis*, if he leaves the court in such a suspicious manner or leaves it with dishonest intention of delaying or obstructing the execution of the decree, therefore those words being there, the amendment is unnecessary.

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

"That in clause 2 of the Bill, after the proposed proviso to section 51, the following further proviso be added :

"Provided further that in case (a) the judgment-debtor shall not be sent to civil prison, if he is leaving the local limits of the jurisdiction of the court *bona fide*, leaves his address with the court, and satisfies the court that he will attend the court whenever called upon to do so by the court within a period of three years, or within such period as the decree becomes in-executable due to lapse of time—whichever is shorter—and that within that period will keep the court informed of any change of address. For this purpose the court may order the judgment-debtor to furnish security to the satisfaction of the court."

The motion was negatived.

Mr. N. V. Gadgil (Bombay Central Division : Non-Muhammadan Rural) : Sir, I gave notice of amendments Nos. 5 and 6 yesterday, and I should like to know whether the Honourable the Home Member wants to raise any objection on the ground that two days notice has not been given. If he does object, then I will move No. 4.

The Honourable Sir Henry Craik : I think the Honourable Member's point is that notices of amendments Nos. 5 and 6 were given only yesterday at one o'clock and therefore strictly speaking they are out of order. I was going to raise that objection to Nos. 5 and 6 if the Honourable Member moved amendment No. 4. If he prefers to drop No. 4 and move No. 5 I have no objection.

Mr. N. V. Gadgil : I drop out amendment No. 4*. I move amendment No. 5 which runs thus :

"That in clause 2 of the Bill, after the proposed proviso to section 51, the following further proviso be added :

"Provided further that no agriculturist shall be arrested in execution of any money decree."

The Honourable Sir Henry Craik : I take it that if amendment No. 5 is defeated, the Honourable Member will not move amendment No. 6.

Mr. N. V. Gadgil : Amendment No. 6 is merely consequential. I shall move it only if amendment No. 5 is carried.

Mr. M. Ananthasayanam Ayyangar : The word "agriculturist" is not defined in the Civil Procedure Code, and he wants to add an explanation giving the definition.

Mr. N. V. Gadgil : Sir, when this Bill was being referred to the Select Committee in September 1935, I had an opportunity of participating in the debate and discussion thereon. I then suggested that inasmuch as the trend and direction of legislation was towards giving more and more immunity to debtors from personal arrest, at any rate one class of debtors, namely, the agriculturist, which was already enjoying complete immunity in the Presidency of Bombay under the salutary provisions of the Deccan Agriculturists' Relief Act should also be given absolute immunity even outside the Bombay Presidency. It is not for the first time that I am bringing this particular point of view as is embodied in the amendment to the notice of the House. The Deccan Agriculturists' Relief Act was passed in the year 1879. Before this Act was passed there were riots in several districts of the Deccan, particularly in Poona, Sholapur and Ahmednagar. A commission was appointed and a report was made by that commission, and in pursuance of certain conclusions and remedies suggested by the Deccan Riots Commission, the Deccan Agriculturists' Relief Act was passed by the Imperial Council in 1879. When that Act was under discussion this principle of absolutely exempting agriculturists from arrest was not even objected to. In fact if I draw the attention of the Honourable the Home Member to the proceedings he will find not only that that provision was welcomed by everyone but one of the Members of Government even went to the length of saying this :

"The proposed abolition of imprisonment for debt had his concurrence as a measure which if found to work satisfactorily in a limited area may be advantageously extended at some future date to all India."

That was on the 17th July 1879. Fifty-seven years have passed and I think that so far as the test laid down in this particular part of

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THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

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[Mr. N. V. Gadgil.]

the speech is concerned, namely, whether the Act has worked satisfactorily in a limited area, I will be able to satisfy the Honourable the Home Member, if any proof were necessary, that so far as the Presidency of Bombay is concerned it has worked with complete satisfaction.

Mr. Lalchand Navalrai : Not in Sind.

Mr. N. V. Gadgil : We have done with it and got rid of it.

Objection may be raised, as was raised by one of my Honourable friends when I had occasion yesterday to speak with him, that if this immunity is extended to all agriculturists outside the Bombay Presidency, his credit will be affected. Sir, my experience is that the *sowcars* or the moneylenders do not look to the person of the debtor when they advance money; they rather look to his broad acres, to his character and to his relatives, if they are rich or otherwise. In fact this remedy of attempting to recover money by putting the debtor in jail is a relic of barbarism. And if my Honourable friend, Mr. Lalchand Navalrai, wants to know something about tradition, I shall be able to point out to him from the reports of the proceedings of the Imperial Council in 1879 that even in those native States which we are prone to call backward, there was complete exemption from arrest, so far as debtors were concerned, in the State of Morvi.....

Mr. Lalchand Navalrai : Was it on account of riots?

Mr. N. V. Gadgil : There were no riots in Baroda State.

Prof. N. G. Ranga : You wait until there are riots all over India; then you will agree.

Mr. N. V. Gadgil : In Hyderabad usurious interest was cut down to a reasonable rate. Imprisonment for debt was not allowed in Morvi nor apparently in Bhavnagar. In Baroda it was forbidden altogether during the cultivating season and was sparingly used at other times. In Hyderabad it was reserved for cases of contumacy or fraud. That was the position in 1879 or thereabout, and that is exactly the position which this Bill seeks to create in the year of Grace 1936. Anyway we are backward by 57 years so far as Hyderabad is concerned.

Mr. Lalchand Navalrai : Is this Hyderabad in Sind or in Deccan?

Mr. N. V. Gadgil : Does the Honourable Member imagine that his Hyderabad will ever be progressive?

That was the position in 1879. Things have materially progressed in native States. I am really surprised why the Government of India should not accept my amendment. If I were to read another passage you will find that some statistics is given about the abuse of warrants of arrest in the year 1874. These Commissioners say, for instance :

"In 1874, it would seem that somewhere about one lakh and fifty thousand warrants had been used as threats only. The outcry against imprisonment from officers well qualified to judge of it has been uniform and persistent."

The abolition was unanimously recommended by the Riots Commission. Then, Sir, what is the result? If this is not abolished what really happens is this. When a man is threatened with civil arrest all that it implies makes him enter into fresh contracts. One of them is to give another fresh bond for more money than is really due or to acknowledge

unacknowledged debts or even to offer to serve in some sort of menial work, and in many cases he had to purchase his freedom at the cost of the honour of his females. That is what the commissioners found; and I do not want to take the time of the House by quoting extensively. The point is really this. If it was accepted in the year 1879 that this barbaric form of remedy for the creditor to realise his dues should be abolished, and if as an experiment it was sought to be introduced in an important part of the country and when it has worked with complete satisfaction for a period of 57 years, I see no reason why the Government of India which—I will not say pretends but for the purpose of this amendment I honestly believe,—does look after the interests of agriculturists, should oppose this. Looking at it from any point of view, whether from the ethical or from the utilitarian, in either case it is only due to the agriculturist that this amendment should be accepted. I might be told that the opinions of the Local Governments have not been invited on this particular principle involved. I think if we were to judge the trend and direction of all pieces of legislation undertaken by the various provincial Governments for the relief of the agriculturists all over the provinces, there cannot be any doubt that all Local Governments will agree to this principle. And if the Honourable the Home Member agrees with what I have said so far, I think he should have no objection to the acceptance of this amendment. Sir, I move.

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

"That in clause 2 of the Bill, after the proposed proviso to section 51, the following further proviso be added :

"Provided further that no agriculturist shall be arrested in execution of any money decree."

The Honourable Sir Henry Craik : Sir, I am very sorry I cannot succumb to the pathetic pleadings of the Honourable Member opposite to accept this amendment, for I am afraid it is wholly inconsistent with the principle underlying this Bill. This Bill is designed to save from imprisonment the honest debtor; it is not designed to save from imprisonment the debtor who is able but who refuses to pay his debt or the debtor who behaves dishonestly. The Honourable Member's amendment would exempt the agriculturist debtor whether he is honest or dishonest. There are no saving words in the amendment that prevent a dishonest debtor from getting the benefit of the amendment. That seems to me a radical defect in the amendment. Secondly the Bill proposes to give relief to all classes of debtors alike; and as I have said in opposing the first amendment moved by Mr. Lalchand Navalrai, it would be contrary to the spirit of the Bill to single out for a special measure of protection any particular class of debtors. The Honourable Mr. Gadgil has given as his main reason in favour of his amendment that a similar provision is found in the Deccan Agriculturists Relief Act which was passed in 1879 after, I believe, there had been rioting of some severity in that particular part of India. That Act had a very limited scope. It applied only to four districts in the Bombay presidency—in fact I am not sure even if it applied to the whole of them....

Mr. N. V. Gadgil : Some provisions are made applicable to the whole of India.

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The Honourable Sir Henry Craik : If the Honourable Member will refer to the Act, he will find that only certain sections, not including this section which exempts the agriculturist from arrest, so apply. Section 21 is the one that excludes agriculturists from arrest : that does not apply to the whole of British India : the rest of the Act extends only to the districts of Poona, Satara, Sholapur and Ahmednagar, but it may be extended by the Local Government to other districts of the Bombay Presidency : whether it has been so extended or not, the Honourable Member probably knows better than I do.....

Mr. N. V. Gadgil : It extends to Deccan—except Ratnagiri and port of Colaba.

The Honourable Sir Henry Craik : I will take that from the Honourable Member. But no such provision has been brought into force in any other part of British India.

I could not possibly accept—I think it is obvious—a very sweeping amendment of this character during the last stages of the Bill, without consulting Local Governments and finding out what the effect on the economic credit of agriculturists would be. Obviously the effect of such a provision would be very considerable. The Honourable Member has anticipated this objection and said “If you consult Local Governments, I am perfectly certain you will find that all are in favour of it”. I doubt that very much indeed and I will explain why I doubt it. The Legislative Council of the Punjab, for example, has lately passed an Act called the Punjab Relief of Indebtedness Act : it was passed quite recently in 1934 : and a provision dealing with imprisonment for debt was inserted in that Act during its passage through the local Council. To the best of my recollection and belief, it was inserted on the motion of a non-official member who is a very strong champion of the agriculturist class ; it is section 34 of that Act and it is in effect practically the same as the Bill which is now before this Assembly. It makes no special exemption in favour of the agriculturist, although the whole purpose of this Punjab Act was to benefit the agriculturist. It reads :

“Notwithstanding anything to the contrary contained in any other law for the time being in force, no judgment-debtor shall be liable to arrest for default in the payment of any money due under a decree unless the court is satisfied that the judgment-debtor has without just cause contumaciously refused to pay the amount due in whole or in part within his capacity to make payment.”

That, in effect, embodies the principle of our Bill exactly, but there is no special exemption in the case of agriculturists ; and I think that shows that there is no feeling in that province at all events for such an exemption. I was in the Punjab certainly when this Bill was introduced, though not when this particular section was inserted in it, as that happened during the passage of the Bill ; but to the best of my belief there was no amendment moved that any special measure of protection should be given to the agriculturist.

Similarly, take the case of the Central Provinces. A Bill to amend section 51 of the Code of Civil Procedure, moved by a private member, is now pending before the Central Provinces Legislative Council. The select committee to which this Bill has been referred has adopted *verbatim* our present Bill. It has not included any special protection for the agriculturist.

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These two instances at any rate do not support the Honourable Member's contention that a change on the lines of his amendment would command the universal support of the provinces. One province has just dealt with the question and another is dealing with it, and neither of them has adopted this amendment.

As I have said, my two main objections to this amendment are, first, that it extends a special measure of protection to the dishonest debtor—the dishonest agriculturist as well as to the honest agriculturist, and secondly, that it conflicts with the main principle underlying this Bill that all debtors alike, provided they are honest, should receive the same measure of protection. I must, on these grounds, oppose the amendment.

Prof. N. G. Ranga : Sir, I fail to understand the logic of this Government of India. Certain provisions of the Deccan Agriculturists Act came to be adopted for all India purposes, not because the Government of India thought it beneficial for the agriculturists that they should be so adopted, but because the Deccan agriculturists having had the glorious Mahratta traditions behind them were brave and courageous enough to dictate to the Government at Bombay as well as at Delhi almost at the point of their daggers as to how and to what extent they should be protected from the ravages of the money-lenders, the zemindars, the landlords and the Government themselves. Are we to understand that this Government will not listen to reason and will only listen to riots, to bombs and bombs from aeroplanes also ? Yes, Sir. My Honourable friend, the Home Member, laughs. There is justification for his laughter because the agriculturists in this country for the last 57 years have grown more peaceful, have come to be sensible in the eyes of this Government, have come to be law abiding in the eyes of this Government ; and the reward that they get is a laugh from the Honourable the Home Member : and the reward that they get is a kind of answer that the Honourable Member has given to the amendment moved by my Honourable friend, Mr. Gadgil. Sir, he cannot very well plead that this question of exempting the agriculturists from arrest altogether has been thrust upon his notice rather too suddenly. The Deccan Agriculturists Act has given him 57 years notice and the Bombay Legislative Council has given him 57 years notice. Even my friend, Mr. Gadgil, has reminded the Government and helped them to come out of their forgetfulness and realise what could be done and what ought to be done for the agriculturists. My friend, the Home Member, comes and says this is too drastic. What was not looked upon as drastic 57 years ago has come to be looked upon as drastic by the Honourable the Home Member in 1936. I am informed that this was an Imperial Act. The Government of India did not have to go all the way to Poona to search the archives. My friend, the Home Member, considers this too drastic, because the agriculturists are not organised, are law abiding, are peaceful. They have somehow or other forgotten their own political responsibility and allowed men like my Honourable friend, Mr. Lalchand Navalrai, to come here and lord it over us. If we look at the effects of this particular Deccan Agriculturists Act, we find that the credit of the agriculturist in the Deccan has not gone down. They have been blessed with a very good and efficient system of co-operative banking or land mortgage banks. They do have enough credit to carry on their own agriculture. Dr. Harold Mann who has carried out economic surveys in the area and who has published two very authoritative

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tive monographs has himself borne testimony to the useful results of this Act. If this Act is good for the Deccan agriculturists, I do not see any reason why it should not be considered good for agriculturists in other areas. I would like the peasants to feel that at least once their voice has been heard and if the peasants desire this, I do not see any reason why the Government of India should refuse to accept this amendment.

It may be that the Government of India wants to defend the money-lenders. Even then the money-lenders in the Deccan area have not complained that their trade has gone down and they have been ruined. Money-lenders are still there. The only thing that they are not able to take advantage of is this barbaric provision in the Civil Procedure Code and send these people to jail, to keep them under duress and collect whatever they can, that is their pound of flesh, by melting down the jewels and other assets of their families and their relatives.

We are told that this amendment is inconsistent with the principles underlying this Bill. This Bill seeks to protect all the honest debtors and it does not make any distinction between one class of debtors and another class. But there is a precedent for our proposal. In section 60 of the Civil Procedure Code we find that industrial workers are sought to be helped to some extent. Then we come down to the salaried employees who are also sought to be helped. Then if we look at provision (1) we find that the industrial workers are sought to be helped. Agricultural produce cannot be attached before judgment and agriculturists' tools, a certain amount of grain and a pair of cattle and so on cannot also be attached. So different classes of people are protected from money-lenders by different provisions of sub-section (1) of section 60. If that is so in the case of the Civil Procedure Code, I do not know why the Honourable the Home Member thinks it is not possible for him to accept an amendment of this nature. Reference was made to what has happened in two provinces and the Home Member told us that in those two provinces anyhow it was not found possible to exempt these agriculturists from arrest. A positive attempt was made in the Punjab to exempt them. I am told that it was not even defeated. That does not prove that in this country public opinion is against exempting agriculturists from arrest. I suggested to the Home Member in conversation with him yesterday that he should be good enough at least to circularize this particular proposal to all the Provincial Governments and ascertain public opinion and agree to bring at the earliest possible opportunity another Bill to try to exempt the agriculturists. I was given a negative reply. I do not know whether he would be good enough to give us any assurance, a sincere assurance that he would try to take the earliest opportunity to bring forward another Bill to implement this proposal after ascertaining the opinions of Local Governments and thus to help the agriculturists. If he is not prepared to give this assurance then this section of the House at any rate would fight for this amendment to the very last. Sir, I support this amendment.

The Honourable Sir Henry Craik : With your permission, I would like to refer to what the Honourable Member said in the last words of his speech. He said something about my giving an assurance that I will consult Local Governments. I am prepared to consult them on the general principle embodied in the amendment but I cannot pledge

myself in advance, before I have received the opinions of Local Governments, that I will bring in another Bill. I am prepared to go as far as that is to consult Local Governments on the principle embodied in the Honourable Member's amendment.

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

"That in clause 2 of the Bill, after the proposed proviso to section 51, the following further proviso be added :
Provided further that no agriculturist shall be arrested in execution of any money decree."

The motion was negatived.

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

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

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

"That clause 3 stand part of the Bill."

Mr. Lalchand Navalrai : Sir, I beg to move : (Cries of "Withdraw," "withdraw"). Sir, when I have moved my amendment and adduced the reasons for it, the House will see the justice of it.....

Mr. President (The Honourable Sir Abdur Rahim) : The Assembly is now adjourned till Half Past Two.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock. **Mr. Deputy President** (Mr. Akhil Chandra Datta) in the Chair.

Mr. Lalchand Navalrai : Sir I move :

"That in clause 3 of the Bill, to the proposed proviso the following be added at the end :
'or with intent to defeat the object of the execution of the decree is about to dispose of his property'."

Sir, the proviso which has been added in the Bill seeks to amend Rule 37 of Order XXI of the First Schedule of the Civil Procedure Code. It will be much better to read rule 37 in order to make my amendment understandable to the House. It says :

"Notwithstanding anything in these rules, where an application is for the execution of a decree for payment of money by the arrest and detention in the civil prison of a judgment-debtor who is liable to be arrested in pursuance of the application, the court may, instead of issuing a warrant for his arrest, issue a notice calling upon him to appear and show cause."

I emphasise the word 'may'. According to this rule it is quite clear that if the court thinks it right, a notice may be issued upon the

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Judgment-debtor to show cause why he should not be sent to jail. In connection with that, an amendment has been made in this Bill. It says:

"In sub-rule (1) of rule 37 of Order XXI in the First Schedule to the said Code, for the word 'may' the word 'shall' shall be substituted, and to the sub-rule the following proviso shall be added, namely:—"

It must be quite plain to the House that they want to take away the discretion which the court has. At present notices are being issued and I see from certain opinions that in some Presidencies there is this practice of issuing notices. Now, to take away the discretion of the court is a thing to which I object. The court should be given the discretion to issue a notice because occasions do arise that by the time he is arrested he disposes of his property and does many acts of bad faith. In this case the Government has gone so far as to say that no notice will be necessary in case it comes under the proviso which is added to clause 3. That proviso says:

"Provided that such notice shall not be necessary if the court is satisfied, by affidavit or otherwise, that, with the object or effect of delaying the execution of the decree, the judgment-debtor is likely to abscond or leave the local limits of the jurisdiction of the Court."

In other words, it comes to this that the discretion of the court is now restricted in the sense of not issuing a notice only in one case, namely, when it is proved to the court that he is likely to abscond or to leave the jurisdiction of the court. My amendment seeks to add a further proviso to this proviso to the effect 'or with intent to defeat the object of the execution of the decree is about to dispose of his property'.

Now, Sir, all along it has been asserted by the Government that they want to provide this kind of thing only for the honest debtors. Now, if I can show that what I am suggesting is only to check a dishonest debtor, is Government going to help me or not for this amendment? What I am asking is very plain. Supposing a man were to dispose of property with intent to defeat the object of the execution of the decree, it will be fraud. Then he will not be called an honest debtor but will be called the most dishonest debtor. Therefore, why should you restrict the discretion of the court? If the court were to come to the conclusion by affidavit or by evidence that it is a dishonest act, why should the court not call him at once before itself? I am only putting in this proviso in the interests of the creditor when the judgment-debtor is playing dishonesty with him. If the arrest is not made at once, without notice, then he will dispose of his property and he will come before the court and say: 'I have honestly disposed of my property'. In that case, the sale of his property cannot be nullified. My proviso is just like the proviso suggested by the Government. All that I am asking is that the discretion of the court may be widened a bit. If the court is compelled to issue notice, then in the case of dishonest debtors also you are compelling it to issue a notice. Under these circumstances, I submit that Government will at least stick to what their object is and which they have been asserting in this House that they are only doing it for the purpose of honest debtors. Here I have shown you a dishonest debtor and why don't you help me in catching him. With these words, I move my amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in clause 3 of the Bill, to the proposed proviso the following be added at the end:

"or with intent to defeat the object of the execution of the decree is about to dispose of his property'."

Mr. J. A. Thorne: Sir, I gathered from the attitude of the House when the Honourable Member for Sind rose before lunch to move this amendment that he has not very much support for it in the House. It will, therefore, suffice to indicate very briefly why the Government are not able to accept it. Now, rule 37, which is the rule in question, deals with the first stage, that is, the first stage after an application for the execution of a decree by the arrest and detention of a judgment-debtor is received. The court has then to decide whether notice shall be issued to the judgment-debtor. Under our Bill we require that the court shall issue a notice except in one case, that case being where the court is satisfied that the judgment-debtor means to abscond. Well, Sir, I submit that at that stage this is all the court has to see to. The essential is to obtain the attendance of the judgment-debtor. There is no other essential. Once his attendance is obtained, then the procedure follows which is indicated in clause 2 and it is open to the judgment-debtor to raise any of the grounds there stated. But at the first stage to say that the court shall have a discretion to dispense with notice and issue a warrant for the arrest of the judgment-debtor simply on the strength of an affidavit that he has the intent to dispose of his property with the object of defeating the execution of the decree, is to impose on the court a very invidious discretion and leave the way open to fraud or oppression on the part of the creditor, whose interests the Honourable Member for Sind seems to have so much at heart. Secondly, the amendment is bad for vagueness. It is impossible for the court to be satisfied of a judgment-debtor's intention to dispose of his property when *ex-hypothesi* he is not present there to meet the affidavit. Sir, I oppose the amendment.

Mr. M. Ananthasayanam Ayyangar: Sir, I wish to say only a few words. I do not rely entirely on the impatience of the House to proceed with the amendment. There are substantial reasons why this amendment ought not to be allowed. Sir, the House has already accepted clause 2 and passed it, whereby section 51 has been amended so as to do away with arrest or detention in execution of a decree except under three conditions: that he is likely to abscond or that he is a person who has disposed of his property after the institution of the suit or that he is refusing to pay the amount of the decree even though he had the means to do so or that he is obliged in a fiduciary capacity to repay. These are the circumstances in which the judgment-debtor can be arrested and detained. Clause 3 regulates and tries to modify Order XXI, Rule 37 of the Civil Procedure Code by providing as a preliminary step that he may be arrested in case he attempts to abscond before the enquiry is made. That is, he has to be brought before the Court before it is ascertained that he has committed one or the other of the acts for which alone he could be sent to jail. At that stage if he absconds or if there is a likelihood of his absconding so as not to be available for such an enquiry before the court, provision is made by this proviso to clause 3 so as to enable the creditor to place him before the court. Now my Honourable friend, Mr. Lalchand Navalrai,

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anxious to listen to a long speech from me or even from others more eloquent than I am. I shall, therefore, endeavour to confine my remarks on this Bill within as brief a compass as possible. It has been introduced into this House in pursuance of an undertaking I gave two years ago when the Bill to extend the operation of the Trade Disputes Act was under consideration. In the course of the discussion on that Bill, I mentioned that we had collected a number of useful opinions on the working of the original Act and that these contained suggestions for the amendment of the Act in various directions. At that time we had not had the opportunity of examining those suggestions in detail. We have since done so and the results of our examination are embodied in the measure which is now before the House.

We have, Sir, I hope in the notes on clauses given our reasons for the changes in substance proposed in the Act of 1929 sufficiently clearly to enable the House to follow them. Section 2 (g) of that Act defines "public utility services". We are proposing to add to the list of public utility services there given inland steamer and tramway services. It will, I think, be generally admitted that, as stated in the Notes on Clauses, inland steamer services are in some parts of the country indispensable means of communication. This in certain cities may also be true of tramways. In both cases, I would point out that it is not proposed to apply the provisions of the Bill to all services but only to those which Local Governments declare to be public utility services for the purpose of the Act. Section 2 of the present Act declares any industry, business or undertaking which supplies light or water to the public to be a public utility service. I do not know why power plants were not included originally, but there has been such a rapid development of the supply of power since 1929 that there can, I venture to submit, be no disagreement as to the necessity of including them now.

Under sub-clause (j) of Section 2 of the present Act, "trade disputes" include disputes between employers and workmen or between workmen and workmen. It is now proposed to include in the definition disputes between employers and employers. This has not been done entirely for the sake of symmetry but because there have been indications in the past that the need for it may arise. In any case it is a convenient change as it enables us to enlarge the scope of section 3 of the Act. That Section begins:

"If any trade dispute exists or is apprehended between an employer and any of his workmen," etc.

It is proposed to omit the words "between an employer and any of his workmen", and the section will then begin:

"If any trade dispute exists or is apprehended, the Local Government may refer the matters appearing to be connected with or relevant to the dispute to a Court of Inquiry or may refer the dispute to a Board of Conciliation."

Our reasons for this change are that although at present a "trade dispute" includes a dispute between workmen and workmen, the main provisions relating to conciliation are limited by Section 3, the opening words of which I have just read, to disputes between employers and workmen and not to disputes between workmen and workmen. We have had experience of the working of the Section since it was

first passed, and, if the Honourable Members from Burma were present, they would be able to tell the House how a trade dispute in Rangoon, which was originally a dispute between employers and workmen, developed into a dispute between workmen and workmen with very serious consequences. That experience shows, Sir, that it may be useful to enable the machinery of the Act to be used in the case of disputes between workmen and workmen as well as between employers and workmen and between employers and employers.

The only other definition in which it is proposed to make a change is that in Section 2 (k). As the definition stands at present, it may be argued that discharged strikers have ceased to be workmen and that the main provisions of the Act cease to be applicable to disputes with men so discharged. It is obviously desirable that the position of such workmen should be left beyond doubt and the amendment is designed to make clear that they are, in spite of the fact that they have been discharged, still workmen for the purpose of the Act.

The amendments embodied in Clauses 4, 5, 6 and 7 need not detain us long. Those in Clauses 4, 5 and 6 embody a recommendation of the Railway Court of Inquiry in 1931-32, which held that under the Act as it stands, the presence of the Chairman of a Court of Inquiry was necessary at every sitting of the court, and suggested that the Act should be amended to make this unnecessary. The Chairman may be absent owing to unavoidable causes such as illness, but under the Act as it stands the Court of Inquiry cannot go on without him and the proceedings may be very seriously delayed. That is obviously undesirable in the case of trade dispute.

The amendment in Clause 7 makes it clear that under sub-section (2) of Section 15 it is not necessary to constitute an offence that the employer should lock out all his workmen without due notice. A partial lock-out should also be punishable. A new sub-section is inserted here the object of which is to help the Local Government to come to a prompt decision whether their intervention under Section 3 is necessary, by ensuring that the threat of stoppage is brought to their notice.

Now, Sir, I come to the most important clauses of this Bill.

3 P.M. Before I proceed to deal with the objections that I know will be raised to them by some of my Honourable friends opposite and by the champion of labour on this side of the House, let me remind the House of what is said about them in the Notes on Clauses. The existing Section 16 which deals with illegal strikes and lock-outs was framed with the intention of protecting the community from both employers and employed. It is too often forgotten in considering the Act that it applies to both those sections of the community. One would think, from some of the criticisms which have been passed on it in this House and outside, that it was an Act solely for the protection of employers. But if the intention of section 16 was as I have described it, it has lamentably failed to achieve this purpose. Those who have experience of the severe hardship to the community which has too often afflicted the unfortunate city of Bombay will, I am sure, agree with the view expressed in the note on the clauses I am now discussing, that it is important that any measures to protect the public against the serious injury caused by a big

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strike should be taken. But it has to be recognised that those taking part in a big dispute may have a genuine grievance ; and it is proposed,—and here we have the most important advance made in this Bill,—to ensure that, when a strike or lock-out is declared illegal, the declaration must be accompanied by reference of the dispute to a Court of Inquiry or a Board of Conciliation, the period for which the declaration of illegality subsists being limited to two months.

There is only one clause of the Bill remaining to be considered, that which deals with Conciliation Officers. Before I come to that it will, I think, be convenient to deal with some of the criticisms which have been made against the new clauses. I have had the advantage of learning my Honourable friend Mr. Giri's opinion of them from an article in a Delhi newspaper which I read with great interest. If I may say so with all respect to one for whose single-minded devotion to the cause of labour I have a warm admiration, his attitude to this measure has little contact with practical realities. Underlying it is the idea which, in my view, is wholly mistaken, that the object of the Trade Disputes Act is to set up courts of appeal against the employer. Its object is nothing of the kind. It is to secure the settlement of disputes and the appointment of tribunals must depend not so much on the intrinsic strength of either of the parties to the case as upon the likelihood that the tribunal will be effective in securing the termination of the dispute. In the article to which I have referred, Mr. Giri has quoted the Labour Commission. He did not however quote their objections to compulsory arbitration, and as I have no doubt whatever that compulsory arbitration will be pressed in this debate as a panacea for all labour troubles, I may perhaps be forgiven for quoting them now. The Labour Commission say :

“ The objections to any scheme involving a compulsory reference of all disputes to arbitration are formidable, quite apart from the practical difficulties that confront such a proposal. We believe that the effect on industry would be disastrous if there was a general tendency to look to some external authority to preserve industrial peace and to discourage settlement by the industry itself. But if it is accepted that every dispute cannot be referred, it follows that discretion must remain with some authority to determine that the statutory machinery should be invoked and it is difficult to suggest any better authority than government for this purpose.”

The Commission passed on to consider and to reject a suggestion that compulsion should be applied in respect of the enforcement of awards. I do not propose to quote them on that subject now, though I may have occasion to do so later on. I will at once pass to the suggestion implicit in Mr. Giri's article and implicit in many of the questions which have been put to me in this House from time to time, that the provisions of the Act should have been applied in almost every trade dispute. This view was certainly not held by the Labour Commission which, as stated in the note on clause 11, held that the “ heavy artillery ” of the Trade Disputes Act, as it now stands, was not suitable for use in the earlier stages of a dispute and that it was far better to get the parties to the dispute to settle themselves than to put forward a settlement and attempt, by invoking public opinion or otherwise, to give it force. There is one point in this connection which I may perhaps mention in passing. We shall, I am sure, in the course of this discussion, hear a good deal about the Canadian Act. I would

point out that the Canadian Act prohibits a strike even before any Board is appointed.

I should like in concluding what I have to say on these clauses to emphasise the following considerations. The first is that, whereas the present Section renders certain strikes and lockouts illegal from the outset, no strike or lockout under the new Clause will be illegal until a notification has been issued. The second is, that whereas under the present Section an illegal strike is always illegal, a strike or lock-out under the new Clause is illegal only for a limited period. The third is, that whereas under the existing Section there is no guarantee that any genuine grievances behind the strike will be investigated, under the new Clause a guarantee has to be given before the strike can be declared illegal. The fourth is, that the public utility striker will be placed in exactly the same position as the striker in ordinary industry in respect of the right to investigation of grievances, though he will not have the right to go on strike without notice. (Interruption by Mr. Joshi.) I have no doubt from my Honourable friend's comment on this point that we shall in the course of this discussion hear a good deal about the inherent right of lightning strikes.

I venture to submit that the points on which I have laid emphasis show that a useless section has been converted into one which should prove of great value in allaying industrial strife when it ceases to affect only those immediately involved and becomes a menace to the community.

There remains the last clause of all, Clause 11. This is designed to facilitate the employment of Conciliation Officers who will not be responsible, as are Courts of Inquiry or Boards of Conciliation, merely for the investigation and settlement of disputes, but will be charged with the duties of preventing them as far as is humanly possible. Nowhere is the maxim ‘ prevention is better than cure ’ more true than in regard to labour disputes. Indeed there is no cure, for the harm that is done by strikes can never really be effaced. It may be urged that the appointment of Conciliation Officers should have been made compulsory. The time in our view is hardly ripe for that. Circumstances vary from province to province and it seems much better to leave Local Governments' discretion to appoint such officers as and when they are needed. That they could render services of the utmost value is becoming increasingly evident by the success of the experiment which has been made in Bombay.

I would say in conclusion, Sir, that I am fully aware that this Bill like most of the labour measures that I have placed before this House, of which it will be the last, will satisfy neither side. I am also fully aware that those who represent the cause of labour in this Assembly will be the more vocal in expressing their dislike of it. It is unfortunate that owing to circumstances beyond my control it has had to be placed before the House so late in the Session, when most representatives of one of the two usual parties to a trade dispute are absent. I specially regret the absence of Sir Homi Mody who is always a valuable counter-weight to my Honourable friend, Mr. Joshi. I would like to remind Mr. Joshi and those who think with him that we have in the main followed the views of the Commission of which he was a distinguished member, on the same anchorage of whose recommendations

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I am as loath to break away in this respect as I have been in others. I maintain, Sir, that the Bill represents a substantial advance, which should be welcomed by both sides, in the cause of industrial peace, which, to repeat a platitude to which I have given utterance often in this House and outside it, is so essential to the industrial development of this country. It is in that honest and sincere belief that I commend it not only to this House but also to those to whom it will be sent for opinion. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Motion moved :
 "That the Bill further to amend the Trade Disputes Act, 1929, for certain purposes, be circulated for the purpose of eliciting opinion thereon."

Mr. N. M. Joshi (Nominated Non-official) : Mr. Deputy President, at the outset, I wish to express my sincere regret that the Honourable Member in charge of the Department of Industries and Labour should have been advised to introduce this measure towards the end of his career in India. Sir, the Honourable Sir Frank Noyce has to his credit several Bills intended for the benefit of the working classes of this country. I therefore feel that he should have hesitated before introducing a measure which, taken as a whole, is hostile to the interests of the working classes. There are some sections in this amending Bill which I approve of. For instance, I approve of the provision for the appointment of conciliation officers. I also approve of some of the minor changes but, Sir, if you take the Bill as a whole, I feel that it is hostile to labour.

The history of the legislation for setting up machinery for the settlement of industrial disputes is a long one. After a long period of incubation from 1919, the Government passed in this Assembly the Trade Disputes Act in 1929. This Act consists of two parts. The first part provides for setting up machinery for the settlement of industrial disputes. The second part is intended for penalising the employees of the public utility services and also penalising those employees who go on a strike which is considered to be a general strike intended to bring pressure upon Government. It is, Sir, on account of the latter provisions which penalises the working classes of this country that the Trade Disputes Act was unacceptable to the labour movement of this country. Although the Trade Disputes Act of 1929 was unacceptable to the working classes of this country I became reconciled to it, believing that the advantages of the machinery for the settlement of industrial disputes may outweigh the disadvantage of the clauses which penalised the employees of the public utility services and which penalised what are known as general strikes but my experience from 1929 up to now has changed my attitude towards any legislation for the settlement of industrial disputes. During these years, although there were thousands of strikes in this country, the machinery of the Trade Disputes Act for the settlement of industrial disputes was only used on three occasions. This does not show the anxiety of either the Government of India or the Local Governments for industrial peace. The Local Governments depend for the settlement of industrial disputes and for industrial peace not on the machinery of the Trade Disputes Act but upon the repressive powers which the Government of India and the Local Govern-

ments possess. As soon as a strike takes place, section 144 is used. Meetings are prohibited. People who either take part in the strike or who are suspected of taking part in the strikes are prosecuted and the Government uses all its authority and the whole machinery which it possesses for breaking the strike instead of trying to settle the strike by means of the machinery of the Trade Disputes Act. Not only that, but during all these years, the penalising clauses regarding the public utility services and the general strike have been hanging over the heads of the working classes like the Damocles' sword. On account of this experience I am gradually coming to the conclusion that it is in the interests of the working classes that there is no use of any legislation for the settlement of the industrial disputes in this country. Unfortunately in 1934, when the Honourable Member in charge of the Department of Industries and Labour introduced a measure making the Trade Disputes Act of 1929 permanent, I had not made up my mind at that time. Then, I had some hope that the Governments of this country may make use of the machinery of the Trade Disputes Act in the interests of the working classes of this country, but, immediately after the passing of the Act of 1934, events happened which forced me to come to my present conclusion.

There was a strike in Bombay in 1934 in the textile industry. I thought that that was the best opportunity for the Government of Bombay to use the machinery of the Trade Disputes Act for the settlement of the strike. The Government of Bombay refused to do so. They used their powers under section 144 and other powers under the emergency legislation to break the strike. They broke the strike. They did not stop there but they thought that that strike was an illegal one, went to the court trying to penalise those people who had taken part in the strike. The magistrates' courts and also the High Court to which the Bombay Government made an appeal decided against the Bombay Government. Then, Sir, I came to the conclusion that this Trade Disputes Act was of no use. I felt that the Governments in this country were not anxious for the settlement of the industrial disputes but were anxious to break the power of the working classes of this country by using all the powers and all the authority they possess and I came to the conclusion very regretfully that there was no use in this country of any legislation for the settlement of trade disputes. Before I deal with the clauses I would like to say that if the Honourable Member in charge of this Bill had introduced a sort of consolidating measure instead of an amending measure it would have been more convenient from our point of view. If there is to be a Trade Disputes Act in this country, we want a good Trade Disputes Act and a proper one. I am afraid that we may find it difficult to amend this amending Bill in such a way that we shall be able to secure a Trade Disputes Act which is to our satisfaction. As regards the clauses of this Bill I have already stated that I am in favour of clause 11 which enables Local Governments to appoint conciliation officers. I am also in favour of a few other minor amendments which the Government of India have suggested but I am against the major portion of this amending Bill. In the first place, taking the smaller things first. I do not approve of the provision that inland steam-vessels should be brought within the scope of the public utility services. Mr. Deputy President, inland steam-vessels in this country are under the control of private companies,

[Mr. N. M. Joshi.]

who are running those services, not for public use but for private profit, and I do not know why inland steam-vessels should be brought within the scope of the definition of public utilities. If the inland steam-vessels are to be brought within the definition of public utilities, tomorrow the Honourable Member will bring forward a Bill declaring busses, horse-carriages, and bullock-carts for hire to be within the definition of public utilities. In England, even the Railways are not included within the definition of public utilities and I do not know why in our country we should include inland steam-vessels within the definition of public utilities. Then this Bill seeks to bring in power plants within the definition of public utilities. I realize that there are some power houses which are intended to provide lights to towns and cities and which may be regarded as public utilities, but all power plants are not public utilities. There may be power plants which may be intended to supply power to factories. I do not know why such power plants should be included within the definition of public utilities. Then, Sir, even when power is intended to be used for a public purpose, such as for lighting, it is not always that there will be public inconvenience. Take, for instance a gas works employing about a thousand people. If fifty of these people go on strike, I do not suppose there will be any inconvenience to the public. Under these circumstances, Sir, why should a strike of these fifty men be regarded as an illegal strike?

Mr. Deputy President, I shall now deal with those smaller points and make a few remarks on the provisions of the original Act of 1929 regarding public utility services. Sir, section 15 of the original Act of 1929 makes a strike without notice in a public utility service illegal on the ground that there is inconvenience to the public and the interests of the public must be protected. I feel that even the employees of even public utility services have a right to withdraw their labour whenever they choose to withdraw their labour, but Mr. Deputy President, recognizing that the position of the employees of public utility services is a special one, it must be recognized by Government as well as by this Legislature that if the employees of public utility services are to be penalized on the ground that their services are needed by the public, is it not necessary that when we place the employees of public utility services under a disadvantage, we should be ready to give some advantage to the employees of public utility services? I can understand your placing the employees of public utility services under disadvantage if you are prepared to give some compensating advantage to them on the ground that the employees are employees of public utility services. Mr. Deputy President, the Honourable Member quoted the Royal Commission. Unfortunately for the Honourable Member, I was a member of that Commission and the Royal Commission on Labour saw the injustice of placing the employees of public utility services at a disadvantage without giving them any advantage. They recommended that whenever the employees of public utility services would have a grievance, they should have the right of their grievances being investigated by Government. They were anxious to put an obligation upon the Government to investigate the conditions of the employees of public utility services, and you are not doing that. Sir, I shall come to the point which the Honourable Member raised that you are doing it by this Bill.

the Government of India are doing it by this Bill, may I ask why they should retain section 15 of the original Act? If they withdraw section 15 of the original Act, I can understand their saying that they are willing to take the obligation of the compulsory investigation into the grievances of the employees of public utility services. Mr. Deputy President, if we are going to place the employees of public utility services under a disadvantage by recognizing their special position as the servants of the public, I feel that it should be provided that these public utility services should be under public control. If there is public control, there is likelihood, at least there is some likelihood, that the employees of public utility services receiving better conditions of life and work; but so long as the public utilities are in private hands and under private control, I do not know why we should make any difference between a public utility and a private work. In England, Mr. Deputy President, there is the Act of 1927 which penalizes a strike in a public utility service, but the Act of 1927 penalizes strikes in public utilities which are under the statutory local bodies,—not in those controlled by private companies.

Then, Sir, it may be said that in England, besides the Act of 1927, there is another piece of legislation penalizing strikes without notice in what are known public utility services. That legislation is the Conspiracy and Protection Act of 1875, but even that Act gives some protection to the working classes by putting in some safeguards. Under the Act of 1875, it is necessary to prove that when the employees of a public utility service go on strike, their action is wilful and malicious. Unless that is proved, they are not punished. Moreover, it is not enough to prove that the action of the employees was wilful or malicious, but it is necessary to be proved that there was a likelihood of inconvenience being caused to the public. That Act goes still further and insists that when the employees of a public utility service go on strike, they must have the knowledge that their act will result in causing inconvenience to the public. That Act also insists that if the employees of a public utility service are to be penalized, that service must be for the benefit of the public and not for a few private people. Sir, none of these safeguards is included in our legislation. We have got a provision declaring strikes in public utility services illegal without any safeguards. I would, therefore, like to make an effort during the discussion of this Bill to see that section 15 of the original Act is deleted.

I shall now, Sir, turn to clause 8 of this Bill which is the most important clause of this piece of legislation. Clause 8 is to take the place of section 16 of the original Act which is intended to declare illegal a strike which has an object other than the furtherance of a trade dispute within the industry in which the workers are employed and also which, being outside one industry, is intended to bring pressure upon Government by inflicting severe, general and prolonged hardship upon the community. That was the original section 16 of the Trade Disputes Act. Its place is to be taken by clause 8. Anyone who reads these two clauses will find that the application of clause 8 is hundred times wider than the application of section 16 of the Trade Disputes Act. Clause 8 of this Bill enables the Government to declare any strike illegal which has caused or is likely to cause not severe but serious, not general but only prolonged hardship or injury upon the community.

[13TH OCT. 1936.]

[Mr. N. M. Joshi.]

The clause does not stop there. It includes hardship not upon the whole community but of any section of the community, any section of the employers and any section of the workmen. If this clause is to be applied to any disputes which are likely to cause hardship to any section of the employers and any section of the employees, may I ask the Honourable Member in charge of the Bill whether there will be any strike in the world which may not be declared illegal? A strike is intended to cause some hardship to the employers, there is no doubt about it, and if a strike causes hardship, serious and prolonged hardship, to any section of the employers, it becomes illegal. I cannot imagine any strike which a Local Government may not be able to declare illegal under clause 8.

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

Then, Sir, it may be said that it is true that we have made the application of clause 8 much wider than the application of the original section 16 of the Trade Disputes Act but we have also provided compensation for it. Under clause 8 whenever the Government declares a strike illegal, it is obligatory upon them to order an investigation into the complaints of the employees. I admit that this clause provides for some compensation but when we try to judge whether clause 8 will be beneficial to the employees or will be harmful to the employees, let us judge all the circumstances of the situation. Section 16 of the Trade Disputes Act is, no doubt, a drastic one; it makes certain strikes illegal. But, before a strike becomes illegal, that strike must spread to more than one industry. Secondly, that strike must cause to the whole community—not to a section of the community or a section of the employers or a section of the workmen, but to the whole community—severe, general and prolonged hardship. I feel that a strike of that nature, which any court even in India will declare illegal, will be very rare indeed. Strikes of that nature will not take place more than once in a generation. It took place in England only once and in India it may not take place even in our life time. Mr. President, although section 16 of the Trade Disputes Act is a drastic one, its application is very limited. I would, therefore, prefer section 16 of the Trade Disputes Act to clause 8 of this Bill. In spite of the fact that clause 8 provides a compensation in the form of an obligatory investigation, I feel that under the present conditions of India the working classes of this country will not get any benefit out of the compensation which is provided under clause 8. Let us consider what circumstances Local Governments are unwilling to use the machinery of the Trade Disputes Act for the settlement of industrial disputes. During the seven years they used that machinery only on three occasions while there were thousands of strikes in this country. During all these years the Local Governments tried to break the strike by using all the power which they possess. If, under these circumstances, we give the power under clause 8, the Local Governments will use these powers not for the benefit of the working classes but always against the interests of the working classes. What the Local Governments will do is this. They will use the machinery of the Trade Disputes Act. They will use their power of repression. But, when Local Governments find that, in spite of the use of the powers of repression, a strike does not break, then they will

come on the scene and use the powers under clause 8. Suppose a strike goes on in spite of the Government's repression for two months and after these two months' suffering the Local Government will come on the scene and say: "Your strike is illegal and we are ordering an inquiry". The workers have already suffered for two months and the Local Governments will use their power of clause 8 to break the strike at that stage, so that, if the inquiry goes against the working classes and they do not accept the results of the inquiry, they will have absolutely no strength left to renew their strike. The object of the Local Government in using this Bill will be to end a strike at a stage when the Government find it difficult to break that strike by means of their repressive powers. When the strike is once stopped and an inquiry is conducted which lasts for two months, even if the workers want to renew the strike, they will not have the strength to renew it. If the Local Governments in this country had been impartial and if I had the least confidence in them as being friends of labour, I would have accepted proper legislation which makes strikes illegal before an inquiry is made. But, Sir, under the present circumstances, I cannot accept this kind of provision. The Government of India have stated in their Notes on Clauses that they have learnt by experience that section 16 of the original Act has not fulfilled the object with which that section was made. The Honourable Member in his speech also stated that that section was not fulfilling its object and he said that although hardship was inflicted upon the City of Bombay, still the Bombay Government could not make use of section 16. The decision of the Court went against that Government. Now, in this respect I would like the Honourable Member to remember that when the original section 16 was enacted it was never the intention of the Government of India that that section should apply to strikes like the strike in Bombay and I do not know why the Honourable Member should now complain that section 16 of the Trades Disputes Act was not enough to protect the community in Bombay. What the intention of the Government of India in 1928-29 was is written in black and white. I shall read a few words from the speech of Mr. MacWatters who made a motion like the one which the Honourable Member is making today. Mr. MacWatters speaking in the Legislative Assembly regarding clause 16 said this:

"I am afraid my Honourable friend who made these comments in Bombay will be sadly disappointed if he thinks this Bill has anything to do with the strike he was thinking of at the moment."

Some Bombay friends of Mr. MacWatters said that after the enactment of section 16 of the Trades Disputes Act, there will be no big strikes in Bombay and Mr. MacWatters replied that section 16 of the Trades Disputes Act was not intended to be applied to the strikes in Bombay. Why should the Honourable Member now complain that experience has shown that the community could not be protected by section 16 of the Act.

The Honourable Sir Frank Noyce: I was not complaining.

Mr. N. M. Joshi: I am glad the Honourable Member was not complaining and that he now agrees with me that section 16 was not intended at all to apply to strikes in Bombay.

The Honourable Sir Frank Noyce: No, Sir. I expressed no agreement of that kind.

Mr. N. M. Joshi: He should at least express agreement with the representative of the Government of India at that time. This clause 8

[Mr. B. Das.]

spokesmen ought to welcome it. Although I do not like the exact draft, there are certain points on which the industrial community will express their opinions at the proper time, but it has made strikes illegal and also lock-outs illegal. I think my Honourable friend, Mr. Joshi, as the leader of labour in India (Mr. N. M. Joshi : "I do not claim to be one") will concede that illegal lock-outs should be inquired into. And when Government have found out a lacuna in the old Bill and are providing for an inquiry into illegal lock-outs, I think we should also welcome the principle, though not the draft. Sir, I am a peaceful man and I love industrial peace in India. I have seen transplanted ideas from Europe working havoc in India ; this is not the first time that I am expressing this view on the floor of the House, and I am repeating it again. Transplanted ideas from Europe have caused great trouble towards industrial regeneration in India. Indian industry is already competing with the mass production of European countries and Japan. And when mass produced articles are being dumped into India we cannot afford the luxury of experimenting in lightning strikes or sympathetic strikes. This is not a new view that I am expressing on the floor of the House ; I have always expressed this view for the last seven or eight years, during which I have welcomed labour legislation, whether introduced by my Honourable friend, Sir Frank Noyce, or his predecessor. I have blessed the introduction of labour legislations towards ameliorating the condition of the working classes ; but I will personally resent and oppose any idea of labour having a weapon in their hands so as to cause disruption and the stoppage of industrial activity in this country. If the industries do not thrive, the workers do not get any payment ; and if my Honourable friends who have spoken or will speak after me analyse the conditions of the steel workers at Jamshedpur, they will realise at what cost to the taxpayers of this country labour got that increment in wages which they got at Jamshedpur. Not only that ; I ask my Honourable friends also to remember the textile workers' strikes in India. It is no use talking always in terms of high wages and higher standard of living for workers. If index prices of food stuff and cost of living have gone down wages must go down, and my Honourable friends, Mr. Giri and Mr. Ranga, will no doubt attack me because they know my views in the Public Accounts Committee. And as for the railway workers.....

Mr. N. M. Joshi : Your knowledge of Bombay has become very old.

Mr. B. Das : The wages of the railway workers have not gone down. I know I will get a strong attack from my Honourable friend, Mr. Giri. If the workers in India belong to India, the employers of India also belong to India. And if we want industrial peace and industrial stability we should not think of lightning strikes but strikes should be used as a weapon in the hands of labour for proper redress of their real grievances and not imaginary grievances. The best antidote is conciliation and so I welcome the provision of conciliation officers in clause 11.

Sir, with these observations I support the motion for circulation. The Honourable Member for Industries and Labour said that this will be his last labour Bill and we will have other opportunities of speaking on his great services to labour in India. However, during the last 4½ years he has given more benefits to labour than he has given to his dual self—the industries. The industries have not benefited as much as labour has done by his arduous labours.

Mr. G. Morgan (Bengal : European) : Mr. President, I should like at the outset to associate myself with what the Honourable Mr. Joshi and Mr. Das remarked about the Honourable Member in charge of the Bill. We regret that he will not be here to carry on the labour legislation which he has so ably initiated. Sir, I will not follow my Honourable friends on the lines of the speeches they have made : especially the speech of my Honourable friend, Mr. Joshi, which seems to me to have been a speech that he could have delivered very well when the Bill was before the House for consideration. Sir, this motion now is merely for circulation, and as this Bill is being circulated for opinion this is not the time for making long speeches, and I shall not detain the House for more than a few minutes on the three points which I shall make.

The first point as the House will observe (Mr. Joshi will take an interest in this), is that under Clause 8 the Governor General in Council or the Local Government, as the case may be, are given power to notify any strike or lockout as illegal for two months if they are satisfied that the dispute has caused, is causing or is likely to cause serious and prolonged injury or hardship to the community, any section of the community, employers or workmen generally, or any class of employers or workmen. It is a condition attached to the exercise of this discretionary power that the strike or lockout cannot be notified as illegal unless it has been referred to a Court of Inquiry or a Board of Conciliation. These are very wide powers and I think it would be possible if this Clause were enacted as it stands today to notify any and every strike or lockout as illegal. It is true that the machinery for investigation into the dispute must be set in motion concurrently with the notification of illegality, and if the dispute is being inquired into there is perhaps no justification for continuing the strike or lockout and accordingly no injustice or hardship may be caused by declaring the strike or lockout to be illegal. What it amounts to appears to be simply this : We have undertaken to look into the cause of the dispute and we say that until the inquiry is completed the strike or lockout should be suspended. Nobody will object to that in principle.

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhammadan Rural) : Pending the period of enquiry, you mean ?

Mr. G. Morgan : Yes.

It is a course of action which might normally be expected to be observed in the case of any dispute, not necessarily in the case of strikes or lockouts, but in the case of disputes over property and so forth. Let us find out the rights of the matter in an orderly and dispassionate way and in the meantime let there be a suspension of hostilities. That, as I say, is a principle to which no objection can be taken. It is obviously fair and right.

The clause as drafted, however, seems to raise a constitutional question. It is a matter for doubt as to whether the Executive should be given discretion to declare on its own judgment a normal occurrence, as distinct from an emergency occurrence, to be illegal especially in view of the fact that once a thing is declared to be illegal the penalties

[Mr. G. Morgan.]

sanctioned by the law may be invoked. We agree that the existing section 16 of the Act is unsatisfactory in the sense that it unduly puts the hands of the Court in declaring an improper strike or lockout to be illegal. The proposed new section in the Bill, however, suffers from no such disability and very substantially widens the area of discretion. I do not want to enlarge on this aspect of the clause today because as the Bill is being circulated there will be ample time for all its implications to be considered. All I will say on this point is that if the Courts, instead of the Executive, were to exercise the much wider discretion which is proposed in the Bill the result would perhaps be just as satisfactory and any opposition which may be forthcoming to this clause as it stands today would disappear.

The second point I have to make is concerned with clause 9, which amends section 17 of the Act. Section 17, as amended, would appear to render any person who commences a strike or lockout declared to be illegal under the provisions of the proposed new section 16, automatically punishable with imprisonment or fine. Taking the proposed new section 16 and the amended section 17 together there would appear to be some doubt as to when a strike declared to be illegal by either the Central or the Provincial Governments can be said to have commenced. Suppose a strike is commenced for the purpose of furthering a trade dispute. Such a strike will be perfectly legal until it is notified as illegal on one or other of the grounds set out in proposed new Section 16, but the question then arises whether, for the purposes of the penalties in Section 17, the strike commences from the moment it is notified as illegal or whether it commences from the date it may actually have begun. If the latter is the case then the section as amended gives no protection to those who commence or take part in a strike believing their action to be perfectly legal until a week, ten days or a fortnight later, it is declared by a notification to be illegal. This is obviously not the intention of the Bill, but I think it should be made clear beyond any reasonable doubt that the liability of persons to the penalties in Section 17 only becomes operative from the commencement of the notification of the illegality of a strike and not from the actual commencement of a strike which has subsequently become illegal.

The third point I wish to make relates to clause 11. I am in some doubt as to whether the wording of this clause which gives power to appoint Conciliation Officers charged with the duty of preventing, mediating in or settling trade disputes may not be interpreted too widely in the rules to be framed under the Act and may result in Conciliation Officers being given arbitrary powers to settle trade disputes in a manner favourable to one party. The effect of this clause appears to depend on the rules to be framed under it, and it appears that such rules can be prescribed by Government without previous publication for criticism. The House will find if it looks at Chapter 18 of the Report of the Whitley Commission on Labour in India that the intention of the recommendations of that Commission was that Conciliation Officers should attempt to bring the parties to an agreement rather than to pass and enforce orders not agreed to by both parties. It seems to me that it might be better if, for the word "settling" in Section 18A (1) the words "promoting the settlement of" were to be substituted. Then

Sir, I think it should be made clear in the Bill that the power which it is sought to give Conciliation Officers to enter premises and inspect any document, if it is desirable that they should have that power, then it should be clearly restricted to those premises, or part of the premises, and documents which are directly relevant to the dispute.

As the clause is framed, a Conciliation Officer would appear to have a general roving commission to inspect anything and everything connected with an industry, business or undertaking.

Finally, Sir, as the Bill is being circulated, it would perhaps not be inappropriate if I were to mention that we should have liked to have seen some attempt made to deal with the question of picketing and intimidation on the lines of section 3 of the English Act of 1927. The question of "stay in" strikes, which have now become one of the usual strike methods, is also one which seems to merit some attention. However, Sir, apart from the points I have mentioned, I support the motion before the House and we certainly welcome the facility which the Bill provides for including inland steam vessel services in the list of Public Utility Services for the purposes of section 15 of the Act. Sir, I support the motion.

Mr. V. V. Giri (Ganjam cum Vizagapatam : Non-Muhammadian Rural) : I support the motion for circulation, but I am bound to express the views of the organised workers and unions in this country about the merits of the Bill. Sir, I realise at the fag end of the day, almost at the fag end of the Session, with empty benches before me and behind me, it is not indeed a bright prospect to make a lengthy speech on a dry subject like the Trade Disputes Act. However, Sir, when I address this House I not only address the Honourable colleagues of mine in this House but I address as well the hundreds and thousands of comrades who work outside this House for the benefit of the humanity in the world. I desire, Sir, to briefly describe the history of the legislation before the enactment of the Act of 1929 and after it. In or about the year 1918, there was great industrial unrest in this country and the Government of India thought it desirable to introduce a Bill on the lines of the Industrial Disputes Act of England but on account of the diminution of the strikes and disputes there was a decrease in the interest taken by the Government on behalf of the workers. There was a "masterly inactivity" on the part of the Government of India to do anything towards legislating a measure. It was in the year 1924 when a big strike in Bombay occurred in the textile mills that the Government of Bombay wanted to introduce legislation but under the instructions of the Government of India who wanted to have legislation of an all-India character that Bill was dropped. Again, Sir, in the years 1927 and 1928 there were again serious disputes both on the railways as well as in the textile industry and elsewhere and it was in the year 1928 that the Government of India introduced a Bill for the purpose of enacting a Trade Disputes Act. On the 12th April, 1929, the world witnesses the passing of the Trade Disputes Act and I am bound to say that it was a mountain in labour which verily produced the proverbial mouse. I now refer to the conduct of the Government of India in the way in which they have utilised this Act for the benefit of the workers. I

[Mr. V. V. Giri.]

shall refer to the figures on the subject of strikes and lock-outs in India from the year 1921 to the year 1935.

Year.	No. of Strikes and lock-outs.	No. of people involved.	No. of days lost.
1921	396	600,351	6,984,426
1922	278	435,434	3,972,727
1923	213	301,044	5,051,704
1924	133	312,462	8,730,918
1925	134	270,423	12,578,139
1926	128	186,811	1,097,478
1927	129	131,655	2,019,970
1928	203	501,851	31,674,404
1929	141	532,016	12,165,691
1930	148	196,301	2,261,731
1931	166	203,008	2,408,123
1932	118	128,099	1,922,437
1933	146	164,938	2,168,961

For 1934 and 1935, the Honourable Member recently gave figures of the number of strikes. They were 159 strikes in 1934 and 145 in 1935.

Let us see in how many strikes the machinery of the Trade Disputes Act was utilised. It is not more than five cases in which this Act was brought into operation. Therefore, Sir, hundreds and thousands of families have suffered during these years on account of the non-application of this conciliation machinery and if there has been starvation consequently or destitution due to the loss of service of the wage earner, the sin for this lies on the head of the Government of India. Now, Sir, I would like to compare and contrast the Canadian Act with the Act that we had and the way in which the Canadian legislation was used for the benefit of the workers. I shall refer to a few passages in a book entitled 'Postponing Strikes'. On page 15 of that book, in the Foreword, it was stated as follows:

"The outstanding fact in the present study is that the attitude of the Canadian Labour towards the Act has had two phases, that the first which was a period of opposition was very nearly over in 1916. During the recent years of the world war and since, Canadian Labour supported the Act and urged its extension to other industries. It is true today that conciliation is the dominant feature of the administration of the law. It is the interpretation of the law by the method and the spirit of its administration which has won the spirit of labour. Instead of threatening penalties, (I want the House to bear this in

mind), the Canadian Department of Labour has used the Act as a means of bringing employers and employees together for conference under the auspices of the Government to enable them to lessen or to settle their differences."

Sir, let us now examine the statistics mentioned in this book regarding Trade Disputes in Canada and as to how they were settled during the period beginning with March 1907 and ending with the 31st March, 1925. It has been stated that in 18 years, 640 applications were made for Boards of Conciliation and investigation, 536 cases out of which were handled under the Act. 421 boards were actually constituted while well over half of the reports were unanimous. Out of 536 cases in ninety-one per cent. of the cases the strike was averted or ended.

Sir, one is bound to exclaim—"look at this picture and that!": and there cannot be a greater condemnation of the Government of India who have placed on the Statute-book an Act which was almost innocuous and never used for the benefit of the workers. Sir, the workers in India, after this performance of the part of the Government of India, have no faith in their *bona fides* and it is the considered view of the organized workers that if at all, and if at any time this machinery was brought into force, it was only to prevent a successful strike and nothing more and nothing less. The first point, therefore, Sir, I would like to impress on the Government of India is that this Bill will not be worth the paper on which it is written unless the workers are guaranteed courts of inquiry or conciliation boards provided either of the parties to the dispute make an application under the Act. It may be stated that they might be frivolous applications put forward for the constitution of a court of inquiry or a conciliation board. The only remedy for that complaint is in authorising the High Court or a district court before whom is placed the dispute or the threatened dispute that is likely to happen to go into the matter and state further whether there is any *prima facie* case made out for investigation of the dispute. That will avoid all kinds of frivolous applications and therefore I am bound to say that unless this Bill authorises the appointment of a court of inquiry or a conciliation board whenever either party to the dispute wants an application of the Act, unless that is done this Bill will not be considered satisfactory. It may be felt by the Government—what would be the position if neither of the parties apply, and when the Government feel that there is going to be a serious menace to the community? Then, the Government have the right now and they can use the right to appoint a court of inquiry or a conciliation board. We are absolutely against any penalties being imposed. I maintain, on behalf of the workers, that the weapon of a strike is an inherent right of the workers which cannot be bartered away, and therefore the workers will not be agreeable to any penalties being imposed. (Hear, hear.) It may be the idea of the Government to prevent political strikes. Sir, I am bound to express the views here of the workers in this matter. So far as the workers are concerned, they are citizens first, and then workers (Hear, hear): and if, to-morrow, a political upheaval takes place, whether the Government like it or not, they are bound to take part in a political strike. (Hear, hear.)

Sir, after all, India is in a peculiar position, and India is a subject-country. As every nation would like to have absolute political independence, so also India would like to have it (Hear, hear), and how can workers say that they have nothing to do with politics, when they are citizens of this country? (Hear, hear.) Sir, if any attempt is made

[Mr. V. V. Giri.]

to stifle political strikes, the greater the intensity of the penalties imposed, the greater will be the intensity of such political strikes. (Hear, hear.) I can assure you this, that I am one of those who believe that the workers need not dabble in politics day in and day out, but, under no circumstances, neither the Government of India nor anybody else can prevent political strikes being joined in by the workers, when a big political upheaval—which happens not every day, not every year but probably once in twenty years or so—takes place : and the only way that political strikes can be prevented—and now I am addressing my remarks not only to my Honourable friend, Sir Frank Noyce, but the whole of the Treasury Benches—is by concessions being made to the demands made by the nation as a whole, in which the workers may certainly be involved, and from which they can never be prevented from taking their part. Now, Sir, I would like to state the position about the railway workers. Certain suggestions have been made by the Royal Commission on Labour with regard to the constitution of a conciliation machinery.

Sir, it is unfortunate in this country that Royal Commissions only come in when there is a great unrest in the country, and Royal Commissions go and after that Royal Commissioners come in again and the recommendations will then become Royal "omissions". (Hear, hear.) As regards railway workers, the Royal Commission made specific recommendations with respect to the conciliation machinery at page 168 of their report. It is relevant that I should read a few lines from those recommendations and ask the Honourable Member-in-charge of Industries and Labour why this has not been incorporated in the Bill. Sir, they have stated as follows :

"The Indian Railway Conference Association and the All-India Railwaymen's Federation are bodies whereby a Joint Standing Central Board can be formed in the best interests of all concerned. We therefore recommend the introduction of machinery for dealing with industrial relations on railways which will provide for the constitution of a Joint Standing Central Board to which representatives of the Agents and of the workers should be elected in equal proportions. Taking existing organisations into account, we recommend that the representatives of the Agents should be elected by the Indian Railway Conference Association and those of the workers by the All-India Railwaymen's Federation. . . . The Chairman and Vice-Chairman should be appointed by and from the members forming the Central Board, suitable arrangements being made for the carrying out of secretarial duties. . . . The functions of the proposed Joint Standing Central Board should be to consider, and where possible, to effect a settlement of general questions common to all railways and of matters common to one or more grades of labour, where it has not been found possible to reach agreement in the Railway Councils of individual systems. Such differences would come up automatically before the Central Board, which would also receive and consider joint references from Railway Councils. Where a dispute is apprehended on any railway, if the matter is not capable of settlement by its Railway Council, it should be referred automatically to the Central Board, it being agreed that no stoppage of labour either by strike or lock-out should take place pending consideration by the Central Board or, in the event of failure to reach agreement, pending the decision of the Tribunal to be set up.

In the event of the Central Board failing to reach agreement, we recommend that, if either party so desires, the dispute should be referred to a Tribunal. We suggest that this Tribunal be composed of five representatives from each side of the Central Board, together with other five persons from outside, unconnected with railway administration or railway workers or their associations. Of the latter, two should be nominated by each side of the Central Board, and the fifth and last member should be selected by both sides of the Board to act as an independent Chairman : failing an agreed nomination, the Chairman should be appointed by the Government of India."

Sir, there were meetings between the Railwaymen's Federation and the Railway Board on this subject for nearly three years at their various half-yearly meetings and the Railwaymen's Federation agreed with the recommendations of the Royal Commission on Labour with certain modifications, but unfortunately we do not find any inkling of these suggestions having been accepted by the Government and incorporated in the Bill. I quite agree with the Honourable Mr. Clow—who made a very good speech recently in the Council of State—that in order to have a healthy organization of labour, it is necessary to understand the labour point of view and try to improve the trade union movement in this country ; and I think it is better to read one or two lines from his speech, with which I entirely agree :

"I am convinced that this need for collective expression is there and must be met, we must recognize that labour must state its case somehow, and we must recognize more than that ; we must recognize that it is not merely a commodity hired for the purpose of carrying on an enterprise, but it is a living part of the enterprise and that it is contributing to that every bit as much, as some would say more than the shareholders."

But as the Englishman would put it in a colloquial way, the proof of the pudding is in the eating and I am sorry to say that professions and practices did not agree up-to-date. Any way, I think very soon we shall be testing the *bona fides* of the Department of Labour and Industries whether their professions and practices agree in this matter. I need not tell the House now what we are going to do. I do not wish to take more time of the House nor do I wish to unnecessarily traverse over the points that have been raised by my Honourable friend, Mr. Joshi, who has analysed the various sections of this amending Bill.

The only points that I would like to put forward before I conclude my speech are these. I would like, in the first place, to say a word or two about the conciliation officers. Our experience on the Railways is very sad and disappointing. It may be that these welfare officers are the creatures of the railways in the sense that they are the servants of the railway, guided by the Agent and by the heads of departments. I do not object to the appointment of Conciliation officers but their success depends on the men that you secure. Moreover, it must be remembered that these men must be absolutely independent of the industry and at the same time their integrity and sympathy for the cause of workers will be definite factors that will decide whether a Conciliation officer would make a good officer. I quite agree with what the Royal Commission on Labour have said on page 347. They say :

"There are frequent occasions when the tactful and experienced official can assist by bringing the parties together, or by putting before either party aspects of the other's case which may have been overlooked, or even by suggesting possible lines of compromise."

I am also glad that the discharged workmen are considered as workers or as workmen for the purpose of the Trade Disputes Act. In fact, in the case of the tinplate strike that occurred in 1928 or the Model Mills strike at Nagpur that occurred in 1932, it was found that the employers dismissed all the workers and said that there was no dispute because there were no workmen. I am glad that in this amending Bill we find it remedied.

[Mr. V. V. Giri.]

In conclusion, I would like to suggest the following points to be remembered by the Government in amending this Bill :

- (1) A trade dispute should include any dispute between a registered trade union and an employer so that a trade union may be legally recognised as a party to the dispute.
- (2) Automatic reference to a Board or Court must be made on the request of either party to a dispute or apprehended dispute, provided, of course, it is proved *prima facie* that the preliminary conditions for a *bona fide* dispute are satisfied.

On the model of the Canadian legislation, an employer should not be empowered to alter the conditions of service without the agreement of the workers, without one month's notice and without reference to a conciliation machinery if so required by the workers or by their organisations. My view is that section 17 and also relevant portions of other sections should be omitted so that strikes for securing political rights or otherwise may not be penalised. Refusal to employ any person for being a member of a registered trade union or its office bearer should be made illegal. I have no more to add but I do hope that the Honourable Member in charge of Industries and Labour will consider some of the aspects that have been raised by my Honourable friend, Mr. Joshi, and myself.

Several Honourable Members : The question may now be put.

Mr. President (The Honourable Sir Abdur Rahim) : The question is that the question be now put.

The motion was adopted.

The Honourable Sir Frank Noyce : Sir, I propose to take the hint you gave to my Honourable friend, Mr. Joshi, just now, that this is not the time for detailed discussion of the clauses of this Bill. The House will have ample opportunity for such discussion at two later stages, when the Bill is before the Select Committee and when the report of the Select Committee comes up for consideration in this House. I, therefore, propose to confine myself only to a few points arising out of the discussion this afternoon. I was not surprised to hear from my Honourable friend, Mr. Joshi, that he regards this Bill as hostile to the interests of the working classes. My Honourable friend, Mr. Das, whose support for the principles of the Bill I should like gratefully to acknowledge, referred to me as the Labour Member. That description is, I think, perfectly correct. I would ask the House whether it is likely that towards the end of my term of office, which, as Mr. Joshi himself admits, has been marked by much legislation in favour of the working classes, I should be willing to put before this House a measure which is in any way hostile to their interests. I am at any rate grateful to my friend, Mr. Joshi, that he did not describe this Bill as "reactionary". I take it that all that he meant to convey in his usual fashion was that this Bill does not go nearly as far as he would like it to do. There is, however, one statement made by Mr. Joshi which I should like very strongly to repudiate. He said more than once in the course of his speech that Local Governments have tried to break strikes by all the powers that they possess instead of using the machinery provided by this Act. I repudiate that suggestion. He did not bring forward any concrete instances in support of it except the general strike in Bombay. To bring that a wholesale accusation of that character against all Local Governments

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I submit, quite unjustified. I am not going to argue the merits of the ~~any~~ case. I could say a good deal about it if time permitted. In any case, I would point out to my Honourable friend, Mr. Joshi, that after the ~~of~~ April next Labour will be dealt with entirely by autonomous government and I can only hope that, from his point of view, that will prove more satisfactory than he thinks the Government of India have been.

One point that was raised both by him and by my Honourable friend, Mr. Giri, was that there have been a very large number of strikes and trade disputes in the course of the last few years and that in only three cases according to Mr. Joshi and in five cases according to Mr. Giri have Courts of Inquiry or Boards of Conciliation been appointed. My Honourable friend, Mr. Giri, entirely forgot to mention the number of cases in which such a Board or Court has been applied for. I cannot give him the figures off-hand, but I think it is very small indeed, well under twenty. I cannot see the justice of the charge against the Government of India or the Local Governments that the number of the Boards of Conciliation or the Courts of Inquiry should have been very much larger when the number of applications for them was so small. My Honourable friend compares the number of Courts or Boards appointed with the number of strikes not with the number of applications. I submit that that is a very unfair method of comparison. My Honourable friend, Mr. Giri, would like the reference to Courts of Inquiry or Boards of Conciliation made automatic on the application of one party only to the dispute.

Mr. V. V. Giri : I said either party.

The Honourable Sir Frank Noyce : I admit he is perfectly fair there. I dealt with that point in my opening speech and I can only repeat that the object of these Courts of Inquiry or Boards of Conciliation is to secure a settlement of the dispute. It is not the least use appointing a Board or a Court unless you can be fairly sure that its award is going to be accepted because our machinery, as I explained, does not provide for the enforcement of the award. It is for that reason that the Act insists that the reference to the Board or a Court should only be compulsory if both parties apply and that it should be entirely optional if only one party applies. I would repeat that the object of the provisions regarding conciliation is to ensure the settlement of disputes as far as possible and the appointment of a tribunal must depend not so much on the intrinsic strength of the several parties as upon the likelihood that the award of the tribunal will be able to secure an end of the dispute. This is the reason why I am unable to accept Mr. Giri's contention that the reference to the Board or Court should be automatic.

My Honourable friend, Mr. Joshi, wasted—I should not perhaps have said wasted, I should have said spent—a great deal of sympathy on workers in public utility services. It would be interesting to know how many strikes there have been in such services during the last few years.....

Mr. N. M. Joshi : When you make strikes illegal how can there be strikes?

The Honourable Sir Frank Noyce : My Honourable friend is suffering from a confusion of thought which I admit is not entirely unjustified. What is illegal under the existing Act is going on strike in a public utility service without a fortnight's notice. That is illegal. If my Honourable friend will look at the headings of the different parts of the present Act,

[Sir Frank Noyce.]

he will see that the heading of section 15 is "Special provision regarding Public Utility Services." The heading of section 16 is "Special provision for Illegal Strikes and Lock-outs." There is, I submit, an essential difference between the two. The mere fact that a man in a public utility service withdraws his services without a fortnight's notice does not make him an illegal striker. As I have said, my Honourable friend, Mr. Joshi, is suffering from a confusion of thought. The worker in a public utility service, under our new provisions, is in exactly the same position as the worker in ordinary employment as regards an illegal strike, though he still remains subject to a penalty if he withdraws his work without notice. Suppose there are a thousand people in a public utility service and they withdraw their services without a fortnight's notice, every one of them is liable to a penalty for an illegal act, but they are not guilty of an illegal strike. The strike does not become illegal until the Government have actually declared it so. My Honourable friend, Mr. Joshi, may shake his head, but I would assure him that that is the exact position. They are in no worse position under this Act than they are under the present Act.

Mr. N. M. Joshi : I did not say they are in worse position.

The Honourable Sir Frank Noyce : Put in another way, they are in a better position because if the Government declare their strike illegal, they have to appoint a Board to go into their grievances. The point which my Honourable friend was quite justified in bringing out is that we have not accepted the view of the Royal Commission on Labour in regard to public utility services. The Royal Commission on Labour, as he said, stated that the weakest point in the Indian condition was that, while it restricted the powers of workers in public utility services to coerce their employers, it gave in return no assurance that their grievances would receive a hearing. There is a certain amount of assurance now because obviously if a strike were on an extensive scale, the Government would declare it illegal and appoint a Court or a Board to go into grievances. We have not accepted the suggestion of the Royal Commission on Labour in this respect because we feel that the only restriction imposed by section 15 on employees lies in the requirement of fourteen days' notice and we do not consider this by itself can be regarded as warranting the conferment of the right to official investigation on any differences that may arise. The further safeguards suggested by the Commission are, as the Commission themselves recognise, unlikely to afford complete protection against the serious dangers to which they refer. That is the reason why we have not made a reference to a Board or to the Court obligatory in the case of public utility services. I hope it will be regarded as a sufficient reason. In regard to workers in public utility services, in spite of Mr. Joshi's view to the contrary, I would repeat that they are covered by clause 8 exactly to the same extent as the workers in the other services. My Honourable friend, Mr. Joshi, considers that the new clause 8 as drafted is too wide. That is a matter which can be gone into in the Select Committee. It is one on which we shall doubtless receive a volume of opinion.—I must candidly admit that it has been intentionally drawn wide in order to protect the interests of the community. In debates on protection in this House, we often hear complaints that the interests of the consumers are neglected. In just the same way in our debates on labour questions and in discussing the workmen's inherent right to strike, there is a tendency to forget that workmen

like those who benefit from protection, are only one section of the community, that other sections of the community are involved and that those sections, not unnaturally, have their inherent right to object to being held to ransom.

My Honourable friend, Mr. Morgan, raised a few points of detail. I would assure him that these will be duly considered. I think there is considerable force in his view that the amendment suggested in clause 9 needs examination. I would assure him that there is no intention of altering the intention of section 17 to which he refers and that the object of the clause continues to be to get at the instigator and inciter. As regards publication, that is a very small point ; but I think he has overlooked the fact that section 19 of the present Act provides what he wants. Sub-clause (4) of the new clause 18-A provides that the powers, functions and procedure of conciliation officers shall be such as may be prescribed by rules made under section 19. If he will refer to section 19 (3) of the present Act he will see that all rules under this section shall be published in the Gazette of India or the local official Gazette, as the case may be. I trust that satisfies him on that head.

I am aware, Sir, that I have very inadequately covered the points raised in a valuable discussion on a very important measure, but I think I have detained the House quite sufficiently long. I have no doubt that the opinions and criticisms we receive will lead to a revision in some probably important respects of the measure placed before this House. I can assure the House that they will be received by Government with an open and sympathetic mind. Our object is, as I am sure is the object of the House, to ensure that this measure shall really be of value in promoting industrial peace. That, as I said, at the end of my opening speech, has been the sole object with which we have brought it forward. (Applause.)

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

"That the Bill further to amend the Trade Disputes Act, 1929, for certain purposes, be circulated for the purpose of eliciting opinion thereon."

The motion was adopted.

STATEMENT OF BUSINESS.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, we have received representations to the effect that there is a general desire that time should be given to Dr. Deshmukh to move, during the present Session, for the reference to Select Committee of his Hindu Women's Right to Property Bill, and we are assured that the motion will be uncontroversial. Subject to realisation of the conditions on which I agreed yesterday to time being given for the Ajmer Durgah Bill, namely, that Government business is concluded on Thursday and that the House then manifests a desire to continue sitting for the Bill on Friday, we will be prepared to allow Dr. Deshmukh to move his motion on Friday after disposal of the Durgah Bill. I also ask for your direction, Sir, on the question raised yesterday, namely, whether the House will sit

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[Sir Frank Noyce.]

tomorrow. In view of the progress made today, I do not press for a meeting tomorrow.

Mr. President (The Honourable Sir Abdur Rahim) : I understand that it is the general desire of a very large section of the House that there should be no meeting tomorrow. I, therefore, direct that there will be no meeting of the Assembly tomorrow.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 15th October, 1936.

LEGISLATIVE ASSEMBLY.

Thursday, 15th October, 1936.

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

MEMBERS SWORN.

Mr. Maurice William Walter Murray Yeatts, M.L.A. (Government of India : Nominated Official) ; and

Mr. Susil Chandra Sen, M.L.A. (Government of India : Nominated Official).

QUESTIONS AND ANSWERS.

FACILITIES FOR THE TRAVELLING PUBLIC ON THE EAST INDIAN RAILWAY.

1224. ***Dr. N. B. Khare** : Will Government please place on the table the statement showing facilities sanctioned and provided for the travelling public on the East Indian Railway submitted to the Local Advisory Committee at its meeting held at Calcutta on the 27th March, 1936, vide item 11 of the list of subjects in the statement relating to the quarter ending the 31st March, 1936 ?

The Honourable Sir Muhammad Zafrullah Khan : I am placing on the table the two statements asked for.

Facilities for the travelling public.

"A."—Statement showing facilities sanctioned for the travelling public during the quarter ending 30th September 1935.

Name of station.	Particulars of works.
Singur	Provision of Foot Overbridge.
Ahmadpur	Do.
Bansabati	Provision of Down raised Platform.
Chandanpur	Provision of Foot Overbridge.
Howrah	Provision of Steel Shelving for bedding sets to Upper class passengers.

Name of Station.	Particulars of works.
<i>Halting places on Howrah-Burdwan Chord.</i>	
Akdanga	Provision of Weighing Machines.
Bara-Tajpur	
Mahmudpur	
Balarembati	
Madhusudanpur	
Howrah	Telephone Call Box.
Giridih	Provision of two Ghurrah Stands.
Sarak	Provision of third class Waiting Shed, Vendor's Stall, Latrines and Well.
Asansol	Provision of Kiosks on the Up and Down Platforms.
Sitarampur	Dismantling third class Waiting Hall at Sarmatand and re-erecting the same at Sitarampur.
Kiul	Extension of Down platform shed for moveable wooden stall.
Between Palmerganj and Sone East.. Bank at mile 335/16.	Temporary Shed, Booking Office, palisade fencing with gates and rail carriers.

"B."—Statement showing facilities provided for the travelling public during the quarter ending 30th September 1935.

Name of station.	Particulars of works.
Rajbandh	Provision of pucca floor in Waiting Shed.
Kotalpukur	Provision of bath room.
Dubrajpur	Provision of Zenana enclosure.
Giridih	Provision of two Ghurrah Stands.
Gujhandi	Provision of tea stall.

XIII.—FACILITIES FOR THE TRAVELLING PUBLIC.

For the information of members, statement showing (A) facilities sanctioned and (B) facilities actually provided for the travelling public during the quarter ended 31st December 1935 are given below:—

"A."—Statement showing facilities sanctioned for the travelling public during the quarter ending 31st December 1935.

Name of station.	Particulars of works.	Remarks.
Tripahar	Extension of up and down platform.	
Dhatrigram	Provision of a Tube well.	
Bhagalpore	Provision of Inter class Ladies' waiting room.	
Mankar	Provision of a Tube well.	
Bandel Jn.	Improvements to Lavatories in First and second class Waiting Rooms.	
Karipal	Provision of a pathway to Up platform with a lamp post.	
Burdwan	Improvements to the Lavatories attached to first and second class waiting rooms.	
Bolpur	Alterations to entrance and exit of Foot over-bridge.	
Rampore Haut	Improvements to the bath rooms attached to first and second class waiting rooms.	
Barkakana Loop	Provision of a halt platform at mile 283/10.	
Madhupur	(1) Separate Inter class waiting room for gentlemen and ladies with bathrooms. (2) Improvement to Tea Stalls.	
Dhanbad	Inter class waiting room.	
Sone-East-Bank	Provision of covering C. I. tank to serve for drinking water for passengers.	

"B."—Statement showing facilities provided for the travelling public during the quarter ending 31st December 1935.

Name of station.	Particulars of works.	Remarks.
Doarrah	Provision of approach road.	
Howrah	Additions and alterations to Hindu and Mahomedan Refreshment Rooms.	
Saltah	Zenana Enclosure and Urinal.	
Howrah	Steel shelving for bedding sets to Upper class passengers.	
Balarembati	Telephone call Box.	
Kotalpukur	Raising of Down Platform.	
Kotalpukur	Provision of Passenger shed.	
Kotalpukur	Provision of shed over Up platform.	

ARRANGEMENTS FOR THE SUPPLY OF DRINKING WATER TO PASSENGERS ON THE EAST INDIAN RAILWAY.

1225. *Dr. N. B. Khare : Will Government please place on the table the note showing the arrangements made for the supply of drinking water to passengers on the East Indian Railway submitted to the Local Advisory Committee at its meeting held at Calcutta on the 27th March, 1936, vide item 12 of the subjects in the statement relating to the quarter ending the 31st March, 1936 ?

The Honourable Sir Muhammad Zafrullah Khan : I am placing on the table the note referred to.

XV. Supply of drinking water to passengers.

The following arrangements have been made for the supply of drinking water to passengers :—

(1) Additional watermen and Bhisties.—The number is variable and in accordance with the necessities.

On one upcountry division the increase is 170 men.

(2) Kiosks with ghurrahs are placed in wet sand at practically all stations. Water from these ghurrahs is poured into buckets and supplied to passengers in trains or they can help themselves.

On certain sections of the line there is difficulty in finding suitable water. Where this is the case arrangements are being made to supply water so that no one will be very long without it being possible to get a drink. The longest time is about 1½ hours on a short section of the C. I. C. line.

(3) Water trollies with large ghurrahs on them are in use at a great many large stations. This enables a large amount of water to be carried about and to be kept cool.

These ghurrahs are replaced at regular intervals.

(4) At certain selected stations concrete tanks fitted with taps are being provided. These also keep the water cool and fresh.

ALLEGATIONS AGAINST THE MEMBERS OF THE PORT HAJ COMMITTEE.

1226. *Sardar Sant Singh : (a) Have Government received certain complaints from the captains of the ships plying for Haj pilgrims, on the ground of undue interference in the safety of the passengers and of the ships by the Port Haj Committees ? If so, what action do Government propose to take in the matter ?

(b) Are Government aware that some members of the Bombay Port Haj Committee have obtained and are trying to obtain personal advantages for themselves, their relations and dependents and friends, from such navigation companies, such as, free passages, concession passage rates, securing contracts, service in the company's offices and ships, etc. ? If so, are Government aware that such concessions and advantage affect the interests of Hajis ? If so, are Government prepared to publish the names of such members and take suitable and proper action against such members ?

(c) If the reply to the above be in the negative, do Government propose to set up a committee of enquiry to go into these allegations ?

Mr. M. W. Yeatts : (a) Presumably the Honourable Member has in mind the Committees of Pilgrims appointed on ships. It is one of the duties of a Port Haj Committee to appoint wherever practicable such a committee or an individual pilgrim (Amir-ul-Haj) on a pilgrim ship. The Shipping Company has on occasions brought to the notice of Government complaints made by certain captains of the activities of these committees. The practice of appointing Ship Committees has since been discontinued and specific instructions have been issued for the guidance of Amirs-ul-Haj to define the limits of their functions.

(b) and (c). One of the duties of a Port Haj Committee is to find suitable Muslims for employment on pilgrim ships. It may be that members of the Bombay Committee in connection with this duty have commended particular applicants, but no definite information is available. So far as Government are aware, the interests of Hajis have not been affected.

RAILWAY BOARD'S LETTER REGARDING REVISED SCALES OF PAY.

1227. *Pandit Krishna Kant Malaviya : Has the attention of the Governor General of India in Council been invited to the Deputy Director, Railway Board, letter No. E-35/P.A./112D., dated the 24th July, 1935 ? If so, will the Honourable Member for Commerce and Railways, please state :

(a) whether the said letter overrules the previous executive orders of the Governor General in Council ;

(b) whether the said letter states " If any of them are not willing to accept the revised scales of pay, their services may be terminated in the usual manner " ; if so, why ; and what is the usual manner ;

(c) whether the advertisement inviting applications for those posts referred to in the said letter *inter alia* contained :

(i) Pay : Rs. 200 per mensem in the grade of Rs. 200—15—425—450 per mensem, and

(ii) Leave : New State Railway Leave Rule ; and

(d) whether the advertisement or letter of appointment contained any reference to the revised scales of pay ?

The Honourable Sir Muhammad Zafrullah Khan : I am collecting information and will lay a reply on the table of the House in due course.

DESIGNATION OF TICKET CHECKERS ON THE EAST INDIAN RAILWAY.

1228. *Pandit Krishna Kant Malaviya : With reference to the reply given to a supplementary question to starred question No. 230, asked in this House on the 12th February, 1932, regarding the designation of ticket checkers on the East Indian Railway, will Government please state the authority who decided that the T. T. I. system was really inferior to the Moody-Ward System ?

The Honourable Sir Muhammad Zafrullah Khan : I am collecting information and will lay a reply on the table of the House in due course.

IMPERIAL INSTITUTE OF ANIMAL HUSBANDRY AND DAIRYING AT BANGALORE.

1229. *Mr. Basanta Kumar Das : Will Government be pleased to state the expenditure incurred in the years 1933-34, 1934-35 and 1935-36 for running the Imperial Institute of Animal Husbandry and Dairying at Bangalore, and also the number of students that received training in those years in Indian Dairy Diploma Course ?

Mr. M. W. Yeatts : Two statements are laid on the table.

STATEMENT I.

Statement showing the expenditure incurred on the Imperial Dairy Institute, Bangalore, in 1933-34 to 1935-36.

Year.	Expenditure.	Receipts.	Net Expenditure.
	Rs.	Rs.	Rs.
1933-34	1,77,462	92,426	85,036
1934-35	1,87,421	76,082	1,11,339
1935-36	1,93,400	74,737	1,18,663

STATEMENT II.

Statement showing the number of students who received training in the Indian Dairy Diploma Course, Imperial Dairy Institute, Bangalore, from October, 1931.

(N.B.—Admission to this course is made every two years.)

Period of Course.	Number of students.
October, 1931 to November, 1933.. ..	19
October, 1933 to November, 1935	21
November, 1935 to October, 1937	24

TEACHING STAFF OF THE IMPERIAL INSTITUTE OF ANIMAL HUSBANDRY AND DAIRYING AT BANGALORE.

1230. *Mr. Basanta Kumar Das : (a) Will Government be pleased to state the personnel and the qualifications of the teaching staff of the Imperial Institute of Animal Husbandry and Dairying at Bangalore ?

(b) Is it a fact that clerks of Superintendent's office, draftsman of the Imperial Dairy Experts' Office and Supervisors of the Bangalore Farm, are entrusted with the work of teaching the students for Indian Dairy Diploma Course ?

(c) What were and are the qualifications, general and technical, of such teachers during the years 1931 to 1936 ?

Mr. M. W. Yeatts : (a) and (c). A statement is laid on the table.

(b) Except for the accountant, no clerks are employed for any teaching work in connection with the Indian Dairy Diploma Course. The draftsman of the Imperial Dairy Expert's office is, however, called upon to give a few lectures on designing of farm buildings, etc. The Supervisors of the Bangalore farm give assistance in teaching.

Statement showing the personnel and qualifications of the teaching staff of the Indian Dairy Diploma Course at the Imperial Dairy Institute, Bangalore, during the years 1931-36.

Name.	Designation.	Qualifications (technical and general).	Remarks.
1. Mr. Zal R. Kothavalla	Imperial Dairy Expert	B. Ag. (Bom.), B.Sc., Agri. (Edin.), N. D. D. (Scot.).	
2. Mr. S. Cox	*Farm Superintendent	Passed the Military Dairy Farm's examination as a manager. Has practical experience of over 18 years in the management of an up-to-date Dairy farm and Creamery and a Cattle Breeding farm.	*Transferred from the Military Dairy Farms Department.
3. Mr. F. J. Warth (till November, 1935, when he retired).	Physiological Chemist.	B.Sc. (Lond.), M.Sc. (Birmingham).	
4. Messrs. N. Krishna Ayyar, N.C. Das Gupta, T. S. Krishnan and A. Seshan.	Assistants to Physiological Chemist.	B.Sc.	
5. Mr. J. H. Walton (till 1st April, 1932, when he retired).	Imperial Agricultural Bacteriologist, Imperial Agricultural Research Institute.	M.A. (Cantab.), M.Sc. (Dur.), Diploma in Agriculture (Cantab.).	
5. Mr. C. S. Rama Ayyar from 1st April, 1932.	Third Assistant Bacteriologist, Imperial Agricultural Research Institute.	B.A.	
6. Mr. H. C. Verma	Supervisor	I.D.D., N.D.D. (Scot.). Over ten years' experience in the management of an up-to-date Dairy and Cattle Breeding farm and teaching of students. At present on deputation to Europe for advanced Dairy training.	
7. Mr. K. K. Desai	Do.	I.D.D.—Ten years' experience of the work on dairy and Cattle Breeding farm.	
8. Mr. A. J. Lazarus	Supervisor	I.D.D.—8½ years' experience of the work on dairy and Cattle Breeding Farm.	
9. Mr. Kothandapani	Dairy Engineer	L.M.E.—Special practical experience in Dairy Engineering. Veterinary graduate.	
10. Mr. Sankaranarayan	Veterinary Officer—Physiological Chemist's Section.		
11. Mr. Manickvelu	Accountant	20 years' experience of Dairy system of accounts.	

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Mr. Mohan Lal Saksena : May I know what are the qualifications of the accountant who was appointed as a teacher in this school ?

Mr. M. W. Yeatts : I think the Honourable Member will find that in the statement.

TRANSFER OF THE IMPERIAL INSTITUTE OF ANIMAL HUSBANDRY AND DAIRYING FROM BANGALORE TO DELHI.

1231. ***Mr. Basanta Kumar Das :** Do Government propose to consider the desirability of transferring the Imperial Institute of Animal Husbandry and Dairying from Bangalore to Delhi in accordance with the recommendations of the Royal Commission on Agriculture, as contained in paragraph 211 of their Report ? If not, will Government be pleased to state the reasons for not shifting the Institute from Bangalore to Delhi along with the transfer of the Imperial Institute of Agricultural Research from Pusa to Delhi ?

Mr. M. W. Yeatts : The Royal Commission on Agriculture did not recommend the transfer of the Dairy Institute from Bangalore to Delhi. The question of transfer does not, therefore, arise.

CATTLE DAIRY SECTIONS.

1232. ***Mr. Basanta Kumar Das :** (a) Is it a fact that the cattle and dairy sections are partly under the Imperial Agriculturist and partly under the Imperial Dairy Experts ? If so, what are the reasons therefor ? (b) Do Government propose to consider the desirability of placing the whole section under one head at Delhi, namely, the Imperial Dairy Expert ?

Mr. M. W. Yeatts : (a) There is no section known as the 'Cattle Section'. The Dairy Institute is entirely under the Imperial Dairy Expert.

(b) Does not arise.

FUNCTIONS AND DUTIES OF THE IMPERIAL DAIRY EXPERTS.

1233. ***Mr. Basanta Kumar Das :** (a) What are the functions and duties of the Imperial Dairy Expert ?

(b) Is it a fact that the Cattle Breeding Farm at Karnal was under the control of the Imperial Dairy Expert and that recently that farm has been taken away from his control and placed under the control of the Imperial Agriculturists ? If so, will Government be pleased to explain the reason for this action ?

Mr. M. W. Yeatts : (a) Broadly speaking (i) to advise industry on practical problems of dairying, (ii) to supervise the educational activities of the Bangalore Institute, and (iii) to direct research and experiment relating to the dairy industry.

(b) The arrangement referred to in the first part of the question prevailed when the Imperial Dairy Expert was himself under the control of the Director of the Imperial Agricultural Research Institute. Now that the Dairy Expert has been made the head of his own organ-

isation the earlier arrangement is neither practicable nor necessary. The Farm at Karnal is under the control of the Director, Imperial Agricultural Research Institute, because the work done there falls in the sphere of the Imperial Agriculturist, an officer of the Imperial Agricultural Research Institute.

Dr. Ziauddin Ahmad : Will the advice of this expert be available to those who wish to open dairy and animal husbandry ?

Mr. M. W. Yeatts : His advice, I think, would be available to all who care to consult him.

Prof. N. G. Ranga : What are his responsibilities towards the Dairy Sub-Committee of the Imperial Council of Agricultural Research ?

Mr. M. W. Yeatts : I must ask for notice of that question.

Dr. Ziauddin Ahmad : If we invite this dairy expert to give advice will the Government be pleased to send him, if time is available, to give practical advice ?

Mr. M. W. Yeatts : I think that would depend on the actual circumstances of the case.

TRANSFER OF THE CONTROL OF THE ANIMAL NUTRITION SECTION AT BANGALORE.

1234. ***Mr. Basanta Kumar Das :** (a) Is it a fact that the Animal Nutrition section at Bangalore has been transferred from the control of the Director of Imperial Institute of Agriculture to Izatnagar under the control of the Director of the Imperial Institute of Veterinary Research, Muktesar ? If so, why ?

(b) What are the reasons for not transferring the Nutrition section to Delhi ?

Mr. M. W. Yeatts : (a) Yes.

(b) The Animal Nutrition Section was transferred to Izatnagar, which is a Branch of the Imperial Veterinary Research Institute, Muktesar, because it was felt that problems of animal nutrition and animal disease were closely related and should be under one direction, namely, that of the Director of the Imperial Veterinary Research Institute.

Dr. Ziauddin Ahmad : Is it not more economical to concentrate all these things in one place instead of having something in Muktesar, something in Izatnagar, something in Bangalore and so on ?

Mr. M. W. Yeatts : That, I think, is a matter of opinion.

Dr. Ziauddin Ahmad : I ask whether the Government have considered from an economic point the desirability of concentrating all these institutes in one place ?

Mr. M. W. Yeatts : Government have considered that as well as other things in making such changes as are necessary.

Dr. Ziauddin Ahmad : Have they considered it from the point of view of economy ?

Mr. M. W. Yeatts : Economy is always in the consideration of Government.

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Mr. Basanta Kumar Das : What are the special advantages of locating these institutes in different places—one at Izatnagar, one at Bangalore, one at Muktesar and one at Delhi?

Mr. M. W. Yeatts : Each must be considered on its own merits. I cannot see that the general question arises really out of this particular question.

PURCHASE OF SINDHI CATTLE FOR BANGALORE FARM AND ISSUE OF BREEDING BULLS.

1235. ***Mr. Basanta Kumar Das :** Will Government be pleased to state when the first lot of Sindhi cattle were purchased for Bangalore Farm and how many breeding bulls of the same breed have been issued for breeding to various institutions and the public in general?

Mr. M. W. Yeatts : Prior to its transfer to the Civil Agricultural Department in 1923, the Bangalore Farm was under the control of the Military Dairy Farms Department and information as to when Sindhi cattle were first purchased for the farm is not readily available. The supply of breeding bulls is the function of the Local Governments and not of the Bangalore Farm, where the small Sindhi herd now maintained is primarily intended for developing high yielding dairy strains. The number of farm bred male stock sold to the general public and to institutions during the period 1923 to 1936 is 177.

Dr. Ziauddin Ahmad : Is this Bangalore Dairying Farm under the military or under the civil?

Mr. M. W. Yeatts : Civil.

RESEARCH WORKS CARRIED OUT BY THE IMPERIAL DAIRY EXPERT.

1236. ***Mr. Basanta Kumar Das :** Will Government be pleased to state the nature and extent of the research works carried out by the Imperial Dairy Expert during the last five years with regard to the improvement of various breeds of Indian cattle and in the matter of milk and its products?

Mr. M. W. Yeatts : A statement showing the research work carried out under the direction of the Imperial Dairy Expert during the years 1931-32 to 1935-36 has been placed in the Library of the House.

Mr. Ghansham Singh Gupta : Will the Honourable Member kindly let us know about the work done in the C. P.?

An Honourable Member : That does not arise out of this question.

Dr. Ziauddin Ahmad : May I know if Government published any report of this Dairying Expert about the quality of the different kinds of cattle?

Mr. M. W. Yeatts : I will look into that. I cannot answer that offhand.

(The next question, No. 1237, was called, but, Mr. Avinashilingam Chettiar was not in his seat.)

(Questions Nos. 1238 to 1252, standing in the name of Dr. N. B. Khare, were also called, but Dr. Khare was not in his seat.)

Mr. President (The Honourable Sir Abdur Rahim) : Honourable Members give notice of a number of questions, and when the questions are called, they are not in their places with the result that there is a breakdown.

Next Question.

DEPUTATION TO MALAYA TO EXAMINE THE QUESTION OF INDIANS.

1237. ***Mr. T. S. Avinashilingam Chettiar :** Will Government state :

- whether they are contemplating to send a deputation to Malaya to examine the question of Indians there ;
- whether the personnel of the deputation has been settled ; and
- whether any of the members of the Standing Committee on Immigration of this House will be associated with the deputation ?

Mr. M. W. Yeatts : (a) Yes.

(b) and (c). Attention of the Honourable Member is invited to the reply given to Mr. Satyamurti's question No. 1174 on the 12th October, 1936.

COMPETENT AUTHORITY EMPOWERED TO INFLICT PENALTIES ON STAFF ON STATE RAILWAYS.

1238. ***Dr. N. B. Khare :** With reference to the Government of India, Railway Department, letter No. E-34-R. G.-6, dated the 22nd June, 1935, will the Honourable Member for Commerce and Railways please state :

- the ranks of the competent authority, administrationwise, who is empowered to inflict penalties, prescribed in Rule 2, on staff under the control delegated to Agents ;
- the offences for which penalties in Rule 2 are prescribed ;
- the authority, administrationwise, competent to present a charge sheet, referred to in Rule 7 and applied in Rule 9 ;
- whether suspension or ' put off duty ' should be preceded by a charge sheet or followed by a charge sheet and who is the authority, administrationwise, competent to pass an order of suspension under Rule 11 ; and
- whether suspension or ' put off duty ' is essential in each and every case where charge sheet is presented or explanation is called for ?

The Honourable Sir Muhammad Zafrullah Khan : (a) As regards discharge and dismissal of staff I would refer the Honourable Member to the information laid on the table of the House on the 31st August, 1936, in reply to unstarred question No. 561, asked by the Honourable Member on the 7th August, 1936.

So far as other penalties are concerned, information available with Government is being placed in the Library of the House.

(b) No offences have been specifically laid down except those referred to in the rules regulating discipline and rights of appeal of non-gazetted railway servants. The penalties under Rule 2 can be imposed for good and sufficient reasons. Government do not consider it necessary to prepare a detailed list of offences for which penalties under Rule 2 may be imposed.

(c) No authorities have been prescribed by Government. In practice, however, charge-sheets are generally issued by gazetted officers and supervising subordinates.

(d) As regards the first part of the question "suspension" or "put off duty" may be preceded or followed by a charge-sheet according to the circumstances of each case. As regards the latter part, I would refer the Honourable Member to the reply given to part (a) of this question.

(e) No.

ELECTRIFICATION OF QUARTERS FOR RAILWAY SUBORDINATES.

1239. *Dr. N. B. Khare : With reference to the statement laid on the table on the 27th February, 1936, in reply to starred question No. 465, asked in this House on the 14th February, 1936, will Government please state :

(a) the number of quarters electrified every year which are usually occupied by Indian subordinates in grades the maximum of which exceeds Rs. 125 ; and

(b) the number of employees in grades the maximum of which exceeds Rs. 125 ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). Government have no information and its collection will involve an amount of labour and expense not likely to be justified by results.

PENALTIES FOR IRREGULAR USE, ETC., OF PRIVILEGE TICKET ORDERS AND PASSES ON RAILWAYS.

1240. *Dr. N. B. Khare : With reference to the reply given to unstarred question No. 297, asked in this House on the 9th March, 1936, will Government please state whether the penalties for irregular use or misuse and loss of foreign and local privilege ticket orders and passes are uniform on each Railway, or are they different ? If the latter, what are the differences ?

The Honourable Sir Muhammad Zafrullah Khan : Each Railway Administration frames its own rules in regard to the penalties for irregular use and loss of passes, etc. I am asking the Agents of other State-managed lines for a copy of their rules and will place them in the Library of the House when these have been received.

ELECTRIC SUPPLY IN SHAHDARA, DELHI.

1241. *Dr. N. B. Khare : With reference to the reply given to part (d) of starred question No. 1383, asked in this House on the 23rd March, 1936, will Government please state :

(a) the extreme length of the supply from the generating plant in the areas of Shahdara, Delhi City, New Delhi, Civil Lines and Fort ;

(b) whether the distance from Power House to the extreme end of each area is equal to the distance from Delhi City to Shahdara ; and

(c) whether they propose to include Shahdara also in the enquiry to be made into the matter of electric supply in Delhi Province ; if not, why not ?

The Honourable Sir Frank Noyce : (a) and (b). Information has been called for and a reply will be placed on the table of the House in due course.

(c) The terms of reference do not exclude any part of the Delhi Province.

TREATMENT OF ADOPTIVE PARENTS AS NATURAL PARENTS ON RAILWAYS.

1242. *Dr. N. B. Khare : With reference to the reply given to starred question No. 1443, asked in this House on the 7th April, 1936, will Government please state the date and notification in the Gazette of India on which the provisions of Hindu Law were made applicable to Muslims, Christians and European cum Anglo-Indian subjects, serving under State Railways, so that their adoptive parents, if dependent, be treated as natural parents ?

The Honourable Sir Muhammad Zafrullah Khan : There is no such notification.

CHECK OVER THE WORK OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

1243. *Dr. N. B. Khare : With reference to the reply given to starred question No. 1444 asked in this House on the 7th April, 1936, regarding check over the work of Travelling Ticket Examiners on the North Western Railway, will Government please state the period required by the Agents to carry out the orders of the Railway Board ?

The Honourable Sir Muhammad Zafrullah Khan : The period will vary according to the nature of such preliminary action as may be required to be taken to give effect to the orders.

COUNTING OF PERIOD SPENT IN CERTAIN CAPACITIES TOWARDS SENIORITY BY
THE CHIEF ACCOUNTS OFFICER, EAST INDIAN RAILWAY.

1244. *Dr. N. B. Khare : Will Government please state the rule under which period spent in temporary, probationary or candidacy capacity is counted towards seniority by the Chief Accounts Officer, East India Railway and not by the Agent ?

The Honourable Sir Muhammad Zafrullah Khan : Temporary and probationary service is counted in calculating continuous service in a grade under rule 3 of the " Rules for determining the relative seniority of the non-gazetted staff (other than inferior servants) in State Railway Accounts Offices ", a copy of which is available in the Library of the House.

GRANT OF FREE QUARTERS OR RENT IN LIEU TO THE TICKET COLLECTORS ON
THE EAST INDIAN RAILWAY.

1245. *Dr. N. B. Khare : With reference to the reply given to unstarred question No. 504 asked in this House on the 7th April, 1936 regarding grant of free quarters or rent in lieu to the Ticket Collectors on the East Indian Railway, will Government please state the action taken by the Agent and to supply the information sought in the question ? If none, why not ?

The Honourable Sir Muhammad Zafrullah Khan : Government have no information, and do not consider that the expense and labour involved in collecting the information required will be commensurate with the result likely to be obtained.

INTRODUCTION OF NEW PASS RULES ON STATE RAILWAYS.

1246. *Dr. N. B. Khare : With reference to the reply given to starred question No. 1702, asked in this House on the 17th April, 1936 regarding introduction of new pass rules on State Railways, will Government please state the reasons for allowing option to gazetted staff and not bringing them into uniformity with others ?

The Honourable Sir Muhammad Zafrullah Khan : I am unable to understand the Honourable Member's question. Gazetted officers have not been allowed any option in the pass rules applicable to them.

ALTERATION IN THE AGE OF RAILWAY EMPLOYEES.

1247. *Dr. N. B. Khare : With reference to the reply given to starred question No. 1780, asked in this House on the 20th April, 1936, regarding alteration in the age of railway employees, will Government please state the circumstances under which the policy adopted by the Government of India is not to be observed by the Agents of State-managed Railways and whether such policies are only meant for the Departments at Headquarters or for the Subordinate Offices too ?

The Honourable Sir Muhammad Zafrullah Khan : Government are not aware of any circumstances under which the policy adopted by Government is not to be observed by the Agents of State-managed Railways and officers subordinate to them.

TENURE OF THE POSTS OF DIRECTORATE ESTABLISHMENT OF THE RAILWAY
DEPARTMENT.

1248. *Dr. N. B. Khare : With reference to the reply given to starred question No. 1803 asked in this House on the 20th April, 1936 regarding the tenure of the posts of Directorate Establishment of the Railway Department, will Government please state the principle upon which tenure of a post is extended ?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member is referred to the reply given to his question No. 1803 on the 20th April, 1936, in which I explained that extension of tenures depended on the exigencies of the service.

TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

1249. *Dr. N. B. Khare : With reference to the reply given on the 24th February, 1936 to unstarred question No. 75 asked in this House on the 4th February, 1936, regarding Travelling Ticket Examiners on the North Western Railway, will Government please state the date of the transfer of the staff from Audit to the Operating Department in 1928 and the pay and allowances drawn by them under the Audit Department in 1928 ?

The Honourable Sir Muhammad Zafrullah Khan : I am collecting information and will lay a reply on the table of the House in due course.

ADVERSE REMARKS RECORDED IN CONFIDENTIAL REPORTS OF NON-GAZETTED
STAFF ON RAILWAYS.

1250. *Dr. N. B. Khare : Will the Honourable Member for Commerce and Railways please state the procedure in respect of adverse remarks recorded in Confidential Reports of non-gazetted staff and whether any appeal against those remarks lies, and if so, within what period ?

The Honourable Sir Muhammad Zafrullah Khan : Adverse remarks in the character rolls of the non-gazetted staff are shown to the persons concerned. No appeal ordinarily lies against such remarks.

PERMISSION FOR DOGS AND DOMESTIC ANIMALS TO TRAVEL ON METAL PASSES
ISSUED TO RAILWAY GAZETTED STAFF.

1251. *Dr. N. B. Khare : Will Government please state whether dogs and domestic animals are permitted to travel on metal passes issued to Railway Gazetted Staff for travelling on duty ?

The Honourable Sir Muhammad Zafrullah Khan : The rules on the Burma and North Western Railways permit an officer travelling on a

POST OF THE DEPUTY DIRECTOR, ESTABLISHMENT II, RAILWAY BOARD.

The Honourable Sir Muhammad Zafrullah Khan : The sanction is being extended for a further six months.

1253. ***Mr. Muhammad Azhar Ali** : Will the Honourable Member of the Government for Commerce and Railways please state the significance of the Gazettes published by Railway Administrations and whether they are the property of the public in the same way and manner as the Gazette of India or the Gazettes published by the local Administrations of the provinces and are open for inspection and purchase by the people of India and of the world ? If not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : The gazettes issued by State-managed Railways contain instructions and information for the benefit and guidance of the Railway employees. They are departmental publications for official use only.

1254. ***Mr. Muhammad Azhar Ali** : Will the Honourable Member of the Government for Commerce and Railways please state, administrationwise, the number of passengers classwise detected travelling without ticket or authority and the total number of passengers classwise travelled during the preceding five years and the percentage thereof ?

The Honourable Sir Muhammad Zafrullah Khan : Statistics are not recorded showing the number of passengers detected travelling without proper tickets for each class separately. Statements showing the total number found travelling without proper tickets on the principal Railways for the years 1928 to 1934 were placed on the table of the House in reply to Qazi Muhammad Ahmad Kazmi's question No. 79 on the 15th September, 1936. I am placing a similar statement on the table for the year 1935. Figures regarding the number of passengers travelling in the various classes are given in Vol. II of the Railway Board's Report on Indian Railways for each of the years referred to.

Details of action taken under Indian Railways Act.													
Railways.	Total number of passengers of passengers who paid excess fares and found travelling without tickets.	Number of passengers who paid excess fares and penalty on detection.	Under Section 112.					Under Section 113.					Total.
			Let off.	Fare and penalty recovered.	Punishment inflicted.	Pending in Courts.	Total.	Let off.	Fares and penalty recovered.	Punishment inflicted.	Pending in Court.		
A. B.	52,176	38,761	186	22	14	161	383	1,939	1,545	9	8,039	11,532	
B. N.	86,345	29,594	54	154	1,352	235	1,795	1,662	3,283	12	4,838	9,795	
B. & N. W.	3,02,549	2,80,033½	3,494	441	29	8,828½	12,792½	1,916½	321	4	6,805½	9,049	
B. B. & C. I.	7,56,872	2,42,316	1	133	210	..	344	2	117	..	..	119	
Burma	1,99,767	1,95,514	296	524	418	515	1,753	586	1,044	295	496	2,421	
E. B.	1,76,993	99,831½	447	360	3,291	1,253	5,381	2,883	2,273	513	22,013	27,682	
E. I.	2,31,258	1,87,064	1,072	2,154	5,867	1,569	10,662	4,695	7,223	847	20,251	33,016	
G. I. P.	2,74,220	1,98,201	205	326	1,921	64	2,516	96	667½	53½	118½	935½	
M. & S. M.	1,50,175	1,46,165	328	337	524	166	1,355	684	750	41	426	1,901	
N. W.	3,42,860	3,16,751½	522	1,423½	4,366	1,409	7,720½	2,362	1,230	2,795	1,467	7,844	
R. & K.	37,220	35,429	..	..	..	..	..	341	383	..	306	1,030	
S. I.	1,46,107	98,012	11	175	403	52	641	1,512	1,212	..	824	3,548	

Statement Relating to passengers found travelling without proper tickets on State Railways.
1935.

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AMOUNT FORFEITED UNDER SECTIONS 93 AND 102 OF THE INDIAN RAILWAYS ACT.

1255. *Mr. Muhammad Azhar Ali : Will the Honourable Member of the Government for Commerce and Railways please state the amount forfeited to the Government during the preceding two years (yearly and administrationwise) under sections 93 and 102 of the Indian Railways Act, respectively ? If none, why not ?

The Honourable Sir Muhammad Zafrullah Khan : Government are not aware of any case in which it has been necessary to take action under either of the two sections referred to.

OFFICER NEXT IN AUTHORITY TO A DIVISIONAL SUPERINTENDENT ON STATE RAILWAYS.

1256. *Mr. Muhammad Azhar Ali : With reference to the reply given on the 31st August, 1936, to starred question No. 1709, asked in this House on the 17th April, 1936, will the Honourable Member of the Government please state :

- (a) whether the Divisional Superintendent is a Head of the Department ;
- (b) whether the Heads of Departments were abolished on introduction of the Divisional System ;
- (c) why the practice on the North Western system is not followed by other State Railways ; and
- (d) why a uniform system is not adopted on all State Railways ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). No. (c) and (d). Because it is not considered necessary.

SENIORITY OF TRANSPORTATION AND COMMERCIAL STAFF ON THE EAST INDIAN RAILWAY.

1257. *Mr. Muhammad Azhar Ali : Will Government please state what is meant by "Grade" or "Class" as used in the reply given on the 31st August, 1936 to starred question No. 1802. asked in this House on the 20th April, 1936, and whether "Grade or Class" is one or distinct from each and other, if so, how ?

The Honourable Sir Muhammad Zafrullah Khan : I would refer the Honourable Member to Rule 2 (ii) and (iii) of the Rules for the recruitment and training of subordinate staff on State-managed Railways, a copy of which is in the Library of the House.

VIEWS ON THE COVENANT OF THE LEAGUE OF NATIONS.

1258. *Mr. M. Ananthasayanam Ayyangar : (a) Has the attention of Government been drawn to a message in the *Hindustan Times* of the 13th September, 1936, on page 3, entitled "Future of League Covenant" ?

(b) Are Government aware that the British Foreign Secretary, Mr. Eden, informed the Secretary General of the League that he would

make a statement to the Assembly regarding the views of the British Government on League Covenant ?

(c) Have Government informed the British Government of their views on the League Covenant ? If not, why not ?

(d) What, if any, are the views of Government on the League Covenant, and what arrangements have they made to place those views before the League Assembly ?

The Honourable Sir Nripendra Sircar : (a) I have seen the message.

(b) Yes.

(c) and (d). Government feel that this is a matter on which they cannot usefully attempt to make constructive suggestions. An intimation to this effect has been conveyed to His Majesty's Government.

INSTALLATION OF A TIME PUNCHING MACHINE IN THE RAILWAY BOARD OFFICE.

1259. *Mr. Amarendra Nath Chattopadhyaya (on behalf of Sardar Bant Singh) : (a) Are Government aware of the fact that a time punching machine has been installed in the Railway Board Office ?

(b) Do Government propose to instal similar machines for other secretariat offices ?

(c) Are the other railway offices provided with similar machines ?

(d) If the reply to part (c) be in the negative, will Government please state the reasons which led to the installation of the machine referred to ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) and (c). Government have no information on these points.

(d) Does not arise.

Dr. Ziauddin Ahmad : Is this punching machine different from the layman Mahindra punch ?

The Honourable Sir Muhammad Zafrullah Khan : It has nothing to do with that.

RATES OF COMMISSION CHARGED BY THE IMPERIAL BANK OF INDIA AND ADVANCES MADE BY IT.

1260. *Mr. Mohan Lal Saksena : (a) Is it a fact that the following rates of commission are generally charged by the Imperial Bank of India from favoured constituents :

(i) Discounting or collection of Bills—Two annas per cent. minimum four annas ;

(ii) Selling of Drafts on branches—for sums of Rs. 5,000 or over -1½ per cent. or even -1½ per cent. ?

(b) Is it a fact that the following rates of commission are generally charged by the Imperial Bank of India from Indian joint stock banks on similar business :

(i) Discounting or collection of Bills—3½ per cent. minimum -4½ ;

(ii) Selling of drafts on Branches—for sums of Rs. 5,000 or over -2½ per cent. ?

(c) Is it a fact that Imperial Bank of India advances money against sugar and grain stocks to *Arhatias* and *Bazar* parties ?

(d) Is it a fact that Imperial Bank of India refuses to advance money against security of gold, sugar or grain stocks to smaller joint stock banks ?

(e) Are Government aware that Imperial Bank of India competes with Indian joint stock banks by offering advances at low rates of interest against sugar and commodity stocks at five per cent. on sums of Rs. 10,000 or less ?

(f) Are Government aware that the policy adopted by the Imperial Bank of India is not calculated to foster Indian joint stock banking, but on the other hand unsympathetic and competitive ? If so, do Government approve of it ?

(g) Is it a fact that Imperial Bank of India would not allow an Indian joint stock bank to use its own draft forms when making drawings on the former bank, while some of the exchange banks are allowed this facility ?

(h) If not, which purely Indian joint stock bank is allowed to use its own draft forms when making drawings on a branch of the Imperial Bank of India ?

(i) Is it a fact that discounting of *hundies* to ordinary bazar parties is allowed by Imperial Bank of India ?

(j) Is it a fact that re-discounting of *hundies* to smaller joint stock banks is refused, notwithstanding their large assets ?

The Honourable Sir James Grigg : (a) to (j). Government have no information. The matters referred to in the question are within the discretion of the Imperial Bank and Government have no power to interfere unless there is reason to believe that the provisions of the Imperial Bank of India Act are being contravened.

Dr. Ziauddin Ahmad : In view of the fact that the Imperial Bank of India is established by an Act of this Legislature, is it not the duty of the Government to look into the matter ?

The Honourable Sir James Grigg : I do not think the Honourable Member could have listened to what I have said. I said, "The matters referred to in the question are within the discretion of the Imperial Bank and Government have no power to interfere unless there is reason to believe that the provisions of the Imperial Bank of India Act are being contravened".

Mr. Mohan Lal Saksena : Do the Government see to it that the provisions of the Imperial Bank Act are not contravened ?

The Honourable Sir James Grigg : The question is, on whose initiative. Obviously enough the Government do not go about touting around, looking for complaints. Complaints will come quickly enough if the provisions are being contravened.

Mr. Mohan Lal Saksena : One method was adopted by me of supplying information which came to my knowledge. There the Imperial Bank of India was observing this differential treatment.

The Honourable Sir James Grigg : I said that those were not matters in respect of which Government were entitled to intervene and therefore I have not made any enquiry to find out whether the facts are as stated or not.

Dr. Ziauddin Ahmad : Are the Government aware that the rates of discounting are different in different places ?

The Honourable Sir James Grigg : I have not the slightest doubt that the rates of discount vary with the credit of the borrower and with the quality of the paper which they are called upon to discount, and that seems to me to be ordinary banking prudence.

Prof. N. G. Ranga : How do the Government satisfy themselves that the Imperial Bank of India does not contravene the Government of India Act in regard to that ?

The Honourable Sir James Grigg : That is a question which I have answered just now.

RE-EMPLOYMENT OF THE TEMPORARY RETRENCHED CLERKS OF THE INCOME-TAX DEPARTMENT.

1261. ***Mr. Mohan Lal Saksena :** (a) Will Government be pleased to state what action, if any, has been taken by the Income-tax Department to provide the temporary clerks who have been retrenched after four or five years' service ?

(b) Has the attention of Government been drawn to the letters published in the *Leader* of the 5th and 17th June, respectively ? If so, will Government state what action, if any, has been taken on the lines suggested therein to help the retrenched hands ?

The Honourable Sir James Grigg : (a) Commissioners of Income-tax were directed to re-employ in future vacancies in the Income-tax Department the retrenched men as far as possible looking to their qualifications and work done while serving temporarily. They were also ordered to help them in obtaining employment in other Government Departments. The ordinary age limit of twenty-five years for admission to Government service was also ordered to be relaxed in favour of these men to the extent of the temporary service rendered in the Department and the Commissioners were also asked to make a similar request for relaxation to Heads of other Departments in which the retrenched men might try to obtain employment.

(b) Yes. The action taken is as stated in reply to part (a).

Mr. Mohan Lal Saksena : May I know how many of these retrenched men have been provided ?

The Honourable Sir James Grigg : The Honourable Member had better put that down.

RE-EMPLOYMENT OF THE TEMPORARY RETRENCHED CLERKS OF THE INCOME-TAX DEPARTMENT.

1262. ***Mr. Mohan Lal Saksena :** (a) Are Government aware that the United Provinces Government had circularised the Commissioners, District Magistrates and other subordinate officials that, while filling

the vacancies occurring under them, preference should be given to the reduced hands of the Settlement Department ?

(b) If so, do Government propose to take similar action in case of the retrenched hands of the Income-tax Department ?

(c) Will Government state the procedure, if any, prescribed by the Income-tax Department for appointing and approving the so-called retrenched outsiders ?

(d) Have those candidates who had put in a total service of three years in the Income-tax Department been exempted from the age limit for Government service ? If not, do Government propose to consider the advisability of allowing the same concession as was allowed by the United Provinces Government in case of ex-Settlement employees ?

The Honourable Sir James Grigg : (a) The Government have no information.

(b) to (d). I would refer the Honourable Member to the reply to part (a) of his starred question No. 1261. The Government do not consider that any further action on their part is called for.

PENSION OF TELEGRAPH DELIVERY PEONS.

1263. ***Mr. Mohan Lal Saksena :** (a) Is it a fact that telegraph delivery peons were under the old rules entitled to a flat rate of compensation or invalid pension amounting to Rs. 6 a month after a service of 34 years ?

(b) Is it also a fact that under the new rules issued by the Government of India, Finance Department, No. F. 6 (48) R. 11/35, dated the 19th March, 1936, they will be allowed a maximum of Rs. 8 per mensem a pension after not less than 40 years' service ?

(c) If so, will Government be pleased to state what is the maximum length of service prescribed for qualifying for pension in other Departments of the Government ?

(d) Will Government be pleased to state the reasons for which 40 years' service has not been fixed for purposes of pension as has been done in the case of postmen ?

(e) Do Government propose to consider the advisability of reducing the period of qualified service from 40 years to 30 years in the case of telegraph peons and other inferior servants as well ?

The Honourable Sir Frank Noyce : (a) No ; under the rules inferior servants to which class telegraph delivery peons belong were entitled to a pension equivalent to half pay subject to a maximum of Rs. 4 per month to which in recent years a temporary addition of Rs. 2 per month was made.

(b) The fact is not as stated by the Honourable Member as he has found by referring to rule 6 (1) (a) of the rules which he has mentioned and which will indicate the classes and amounts of pensions that may be earned for service not less than 25 years.

(c) The rules referred to by the Honourable Member apply equally to all members of the subordinate (inferior) services in all Departments under the Government of India.

(d) The reason for distinction is that postmen belong to the subordinate (superior) service while telegraph delivery peons belong to the subordinate (inferior) service.

(e) No.

Mr. Mohan Lal Saksena : Is it not a fact that the age limit has been fixed for these men at 60 years, whereas there was no age limit prescribed for them till now ?

The Honourable Sir Frank Noyce : I understand that the age limit has now been fixed at 60 years whereas there was formerly no limit.

Mr. Mohan Lal Saksena : May I know what is the reason for prescribing the age limit of 60 years whereas there was no age limit prescribed till now and also why the period of service that will entitle them to pension is fixed at 40 years ?

The Honourable Sir Frank Noyce : The period of service has always been 40 years. In any case these orders apply generally to all subordinate services under the Government of India and they have naturally been applied to my department. If the Honourable Member wants any further information as to why these particular rules to which he refers have been formulated I would suggest that he might put down a question on the subject.

Mr. Mohan Lal Saksena : Is it not a fact that under these new rules even subordinate employees drawing pay from Rs. 30 to 40 a month will get pension only at Rs. 8 a month after 40 years' service ?

The Honourable Sir Frank Noyce : I must ask for notice of that question. I have had no occasion to study the rules in detail in reply to this question.

Mr. Mohan Lal Saksena : Has the Honourable Member received any representation from the Association of the Subordinate Employees, Bombay ?

The Honourable Sir Frank Noyce : I must ask for notice.

Prof. N. G. Ranga : Why is it that these lowest paid employees are made to work for 40 years before they are entitled to get their pension, whereas the higher paid employees have to work for only 30 years.

Mr. President (The Honourable Sir Abdur Rahim) : This is not the time for argument ; this is the time for obtaining information.

Prof. N. G. Ranga : There must be some consideration in the mind of the Government.....

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. Next question.

TANNING INDUSTRY IN INDIA AND DUTY FREE IMPORT OF WATTLE BARK EXTRACT.

1264. ***Mr. C. N. Muthuranga Mudaliar :** (a) Are Government aware that the tanning industry in India has suffered from the consequences of the abolition of export duty on raw hides and skins ?

(b) Is it a fact that the use of wattle extract in tanning has become more and more popular in the process of tanning in India and that it lowers the cost of production ?

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(c) Have Government received a communication from the South Indian Chamber of Commerce requesting them to extend the advantage of duty free import to wattle bark extract, as is allowed in the case of wattle bark?

(d) What steps do Government propose to take to give effect to the request contained in the representation referred to in part (c) above?

The Honourable Sir Muhammad Zafrullah Khan : (a) No, since there have been steady increases year by year in the exports of tanned hides and skins subsequent to the abolition of the export duties on raw hides and skins.

(b) and (d). I would refer the Honourable Member to the answer given by me on the 3rd September, 1936, to parts (b) to (d) of Mr. Avinashilingam Chettiar's question No. 108.

(c) Yes.

Dr. Ziauddin Ahmad : Is it not a fact that part (b) practically contradicts (a) and (c). What has the diminution of the cost of production to do with the raw material?

The Honourable Sir Muhammad Zafrullah Khan : That is a question to be put to the questioner.

GRIEVANCES OF INDIANS IN KENYA.

1265.***Mr. C. N. Muthuranga Mudaliar :** (a) Is it a fact that the Marketing Bill, which has become the law of the land in Kenya Colony, excludes Indians from acquiring agricultural land in the Highlands in Kenya, while even Nazi Germans and Fascist Italians can own such lands in the Colony?

(b) Is it a fact that it is open to Indians in Kenya to follow commercial, industrial and all lawful pursuits other than agriculture in any part of the Colony, including the Highlands?

(c) Is it a fact that attempts are however being made to create all sorts of difficulties in the way of British Indians in acquiring land for industrial purposes in places like Rongai, Limuru and Koru?

(d) Is it a fact that exclusive markets are being opened to Native Reserves from which Indians, as non-natives would be excluded?

(e) Are Government aware that various measures in the name of nationalisation of industries are being introduced, which would lead to the transfer of all trading activities into the hands of a few companies to the exclusion of the Indian trading community?

(f) Are Government aware that various 'pools', such as the wheat pool, maize pool and butter pool, are being created which are mere ramifications of the same scheme?

(g) Is it a fact that Indians are particularly excluded from trading in coffee, sisal, wheat, which are exclusively grown by Europeans?

(h) Do Government propose to take steps to redress all the above grievances of the Indians in the Colony?

Mr. M. W. Yeatts : (a) No.

(b) Yes.

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(c) and (d). No instances have been brought to the notice of Government.

(e) Certain measures recently adopted or proposed by the Government of Kenya have been objected to by the local Indian community as being detrimental to their interests.

(f) Under the Sale of Wheat Ordinance, 1930, wheat produced in the Colony can only be sold to agencies appointed by the Government of Kenya. Proposals for the control of the sale of maize and dairy products have been recently under consideration, but no action has so far been taken.

(g) No.

(h) Government have been making, and will continue to make, necessary representations to safeguard the legitimate interests of the Indian community in Kenya.

INSTALLATION OF TIME PUNCHING MACHINES IN THE RAILWAY BOARD OFFICE.

1266.***Pandit Nilakantha Das :** (a) Is it a fact that in the Railway Department of the Government of India, two machines have been imported by the Railway Department for the noting of the time of arrival and departure of each of the Secretariat staff, including Superintendents, Assistant Superintendents, and clerks, working in the Railway Department?

(b) Will Government be pleased to state whether such machines are already used in the workshops and printing presses for noting down the time of arrival and departure of wage earners and day labourers, who have to be paid over time allowance?

(c) Will Government be pleased to state whether these machines are even used for officers working in railway workshops and Government printing presses?

(d) Will Government please state whether the Railway Department Secretariat staff are recruited like other Secretariat staff from the educated class of people of India, and are given more or less the same scales of pay as are paid to the staff in other Secretariat offices?

(e) If so, will Government please state the reasons why the Railway Department staff is being treated like workshop labourers?

(f) Will Government please state whether such machines are used in Secretariats, either in India or in England? If not, what is the reason for this innovation in the Railway Department alone?

(g) Will Government be pleased to state whether the Railway Department Secretariat staff will be paid any over-time allowance if they put in more hours of work than their usual hours of office from 10-30 A.M. to 3 P.M.?

(h) Will Government please state from which country are these machines imported and by which firm are they manufactured?

(i) Is it a fact that these machines are from a British factory?

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(j) Are these machines being imported and tried in the Railway Department as an experimental measure so that more machines might be purchased and used in other Secretariats as well to give the British company a good market in India?

(k) Is it also a fact that a high official of the Railway Board is interested in the sale of these machines?

The Honourable Sir Muhammad Zafrullah Khan: (a) Two Blick Staffsine machines have been installed in the office of the Railway Board for the purpose of checking the times of arrival and departure of the staff. The officers of the Railway Board record on the machines the times of their arrival and departure.

(b) and (c). Government have no information on these points.

(d) The Railway Board recruits its staff from two sources, viz., from railways and through the Home Department. Both sources draw the recruits from the educated classes of India. Since 1924 all staff recruited for the office of the Railway Board have been given pay on scales which are lower than those given in most Secretariats of the Government of India.

(e) The staff of the Railway Board's office are not treated like work shop labourers.

(f) Government do not know what Secretariats in England and India use the machines. I have already explained the purpose of these machine in my reply to part (a) of this question.

(g) Allowances for overtime are inadmissible.

(h) and (i). The machines were purchased through the Indian Stores Department. They are manufactured in England.

(j) and (k). No.

RECRUITMENT OF A SIKH IN THE OFFICE OF THE SUPERINTENDENT OF VICEREGAL ESTATE.

1267. ***Mr. Amarendra Nath Chattopadhyaya** (on behalf of Sardar Sant Singh): (a) Will Government please state the number of temporary and permanent appointments that fell vacant in the office of the Superintendent of Viceregal Estate in the clerical grades during 1934, 1935, and the current year, and the community by which they were filled up?

(b) Are Government aware of the total absence of Sikh clerks in the office?

(c) Are Government prepared to order the recruitment of a Sikh in any future vacancy in order to give this community its due share on the staff of this office also? If not, why not?

The Honourable Sir Frank Noyce: (a) A statement giving the information is laid on the table. It will be seen that a Sikh was appointed in the current year.

(b) No.

(c) Does not arise.

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Statement showing the number of permanent and temporary appointments that fell vacant in the office of the Superintendent, Viceregal Estates, in the clerical grades, during 1934, 1935 and 1936.

Year.	No. of vacancies.	How filled in.
PERMANENT.		
1934	One	By promoting a senior member of the office. The resultant vacancy was not filled up till 1936.
1935	Nil.	
1936	Five	As follows including the post lying vacant since 1934:—
		Hindus Four.
		Muslim One.
		Sikh One.
TEMPORARY.		
1934	Nil	
1935	One	By a Hindu.
1936	Nil	

REPLACEMENT OF UNQUALIFIED CLERKS BY QUALIFIED ONES IN THE GOVERNMENT OF INDIA OFFICES.

1268. ***Mr. Amarendra Nath Chattopadhyaya** (on behalf of Sardar Sant Singh): (a) With reference to my starred question No. 35, dated the 5th February, 1935, will Government please state their final decision in regard to replacement of unqualified clerks by qualified ones in the Government of India offices and its attached offices, and how far they have replaced the men in each Department?

(b) Will Government please also state the reasons for which certain offices have not so far replaced those men who put in more than three months' service in each office?

(c) Is it a fact that the Staff Selection Board and the Public Service Commission were constituted to select best available hands for employment in the Government of India Secretariat?

(d) If the replies to the preceding parts be in the affirmative, are Government aware that in spite of the rules laid down by the Government of India in the Home Department, the Foreign and Political Department have got many men continuing in their service for years together, or more than three months?

(e) Are Government aware that this Department is shortly to be divided into two separate Departments?

(f) Are Government further aware that as a result of this separation, there have been many new appointments in each of the grades in both the Departments?

(g) What are their views in respect of allowing such appointments of unqualified men?

(h) Will Government please state the control and check that the Home Department or the Public Service Commission is having to see that their orders are followed strictly by all the Departments and no

unqualified man is allowed to continue in a temporary job for years together? If none, why not?

(i) Are Government prepared to put a stop to this practice? If not, why not?

(j) Are Government prepared not to exempt and allow any of the newly constituted office or old ones to recruit unqualified men in preference to those who secure high position in competitive examinations held by the Public Service Commission for such appointments? If not, what are the justification and reason for allowing any exemption and also to hold examinations?

The Honourable Sir Henry Craik : Sir, with your permission, I propose to reply to questions Nos. 1268 and 1269 together. Such information as is available is being collected, and will be laid on the table in due course.

MEN QUALIFIED FOR FIRST AND SECOND DIVISIONS AWAITING APPOINTMENT IN GOVERNMENT OF INDIA OFFICES AND RECRUITMENTS MADE IN THE FOREIGN AND POLITICAL DEPARTMENT.

†1269. ***Mr. Amarendra Nath Chattopadhyaya** (on behalf of Sardar Sant Singh) : (a) What is the total number of first and second division clerks employed in the Government of India Secretariat and its attached offices who have not yet got any substantive appointment?

(b) What is the number of men qualified for these divisions who are still awaiting their appointment?

(c) How many vacancies of the first and second division were filled up in the Foreign and Political Department since 2nd January last, and by whom, and to which province each one belongs?

(d) Will Government also please place a similar kind of statement in respect of men recruited for the third division?

(e) How many of all the newly appointed men are Hindus, Muslims and Sikhs in each division?

(f) How many of such recruited persons are from the Military Accountant General or such similar offices which do not recruit their first and second division men through the Public Service Commission?

(g) Are the Government of India offices authorised to recruit men from such subordinate or head offices which do not recruit their men through the agency of the Public Service Commission? If not, did the Foreign and Political Department take special sanction of the Home Department for making such appointments? If not, why not?

(h) In which division was each of such appointed men working in his previous offices?

(i) Will the Honourable the Home Member please state whether all the rules and conditions laid down by the Home Department for recruitment of new staff were strictly observed by the Foreign and Political Department? If not, why not? If all the rules were observed, will Government please state whether the required number of appointments in each division was reserved for both external and internal candidates and whether qualified men only were recruited?

†For answer to this question, see answer to question No. 1268.

DETERMINATION OF METHODS OF VOTING IN THE PROVINCES.

1270. ***Pandit Govind Ballabh Pant :** (a) Is there any likelihood of the Provincial Legislative Assemblies that will come into existence next year being asked to elect members for the Federal Legislative Assembly?

(b) Have Government taken necessary steps to ensure the secrecy and freedom of vote at the forthcoming elections to the Provincial legislatures?

(c) Have any rules been framed on this subject, or have any instructions been issued to the Provincial Governments? Will Government be pleased to lay a copy thereof on the table?

(d) Has the method of voting been finally determined for every province? If so, will it be uniform throughout? If not, what will be the method in the case of each province, and what are the reasons for such difference?

The Honourable Sir Nripendra Sircar : (a) Government are not in a position at this stage to make any statement.

(b) The matter is primarily the concern of the Provincial Governments and I have no doubt that they will take all necessary steps to ensure the secrecy and freedom of the vote.

(c) and (d). The method of voting is to be regulated by Governor's Rules. Such rules have hitherto been published by seven Local Governments and are expected to be issued by the remaining Provincial Governments in the near future. Since conditions vary from province to province it is not likely that the method of voting will be uniform throughout.

INSTRUCTIONS REGARDING POLLING STATIONS.

1271. ***Pandit Govind Ballabh Pant :** Have Government issued any instructions to the Local Governments as regards the polling stations? If so, will they place a copy thereof on the table?

The Honourable Sir Nripendra Sircar : The reply is in the negative.

ACQUISITION OF THE ROHILKUND AND KUMAON RAILWAY BY THE STATE.

1272. ***Pandit Govind Ballabh Pant :** (a) Have Government arrived at any decision as regards the acquisition of the Rohilkund and Kumaon Railway by the State? If not, when do they intend to give notice to the Rohilkund and Kumaon Railway?

(b) What is the approximate amount payable to the company for such acquisition?

(c) Has the Rohilkund and Kumaon Railway been paying dividends to the shareholders? If so, at what rate?

(d) Was such payment made during the last five years?

The Honourable Sir Muhammad Zafrullah Khan : (a) The question is still under consideration.

(b) Rs. 21½ crores approximately.

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(c) and (d). The dividends (including bonus) declared by the Rohilkund and Kumaon Railway Company, during the last five years were as follows :

Year.	Dividend. Per cent.
1931	.. 15
1932	.. 15
1933	.. 15
1934	.. 16
1935	.. 16

I would point out, however, that the ordinary (profit sharing) capital of the Company is only £400,000, whereas the total capital outlay is about £1½ million, the balance being preference capital, debentures, etc.

RAISING OF RUPEE OR STERLING LOANS.

1273. *Pandit Govind Ballabh Pant : What is the rate at which the Government of India have raised rupee or sterling loans recently ?

The Honourable Sir James Grigg : During the current year the Government of India only issued at 2½ per cent. 1948—52 Rupee loan at par. The details of the loans raised last year are given in the Financial Secretary's Memorandum circulated to the Honourable Members with the budget papers.

APPOINTMENTS MADE TO THE INDIAN MEDICAL SERVICE.

1274. *Sardar Sant Singh : (a) Is it a fact that there were 203 Indian applicants for permanent commission in the Indian Medical Service and only seven were appointed out of the above number ?

(b) Is it a fact that of the rejected Indian candidates there were at least 15 who held very high British qualifications, such as F. R. C. S., and M. R. C. P. and M. D. (London), etc. ?

(c) Is it a fact that 13 European officers who have been recruited to the Indian Medical Service since 22nd October, 1934, hold inferior qualifications compared to the rejected Indian candidates referred to in part (b) above ?

(d) Is any importance attached by Government to superior professional qualifications in recruiting officers to the Indian Medical Service ? If not, why not ?

(e) If the answer to part (d) be in the affirmative, are Government prepared to consider the desirability of increasing the percentage of Indians in the Indian Medical Service, at least temporarily, till such time as Europeans with more suitable qualifications are available ?

(f) With reference to the Government communiqué of the 20th August, 1936, regarding the proportion of Indians and Europeans in the

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Indian Medical Service, will Government please state the number of officers falling under the following classes :

- (i) Europeans,
- (ii) Anglo-Indians, and
- (iii) Indians ?

Mr. G. R. F. Tottenham : (a) Yes ; seven candidates have been recommended to the Secretary of State for appointment.

(b) Yes.

(c) Yes, if by qualifications is meant only academic degrees and diplomas.

(d) Government do attach importance to academic qualifications but they are only one of the many factors that determine selection.

(e) The number of Indians in the Indian Medical Service is considerably in excess of the prescribed proportion, and Government are therefore unable to agree to the Honourable Member's suggestion ; nor are they prepared to accept the implication that the Europeans recruited at present are in any way less suitable than they ought to be.

(f) Government did not issue any Communiqué on the subject on the 20th August, 1936. The rest of the question therefore does not arise.

Mr. Lalchand Navalrai : May I know why when there were 203 Indians for permanent commission in the Indian Military Service only seven were provided for ?

Mr. G. R. F. Tottenham : Because there were only seven vacancies.

ALLEGED THROWING OUT FROM A MOVING TRAIN OF AN ORIYA BOY BY A TRAVELLING TICKET COLLECTOR OF THE BENGAL NAGPUR RAILWAY.

1275. *Mr. B. Das : (a) Is it a fact that one Muhammad Hassan, Travelling Ticket Collector, Bengal Nagpur Railway, threw out from the moving train an Oriya boy travelling without ticket on that Railway, as a result of which the boy succumbed ?

(b) Has the Agent, Bengal Nagpur Railway, brought to the notice of the Railway Board this incident, where a life was lost through the high-handedness of a railway official ?

(c) Will Government be pleased to state what action the authorities of the Bengal Nagpur Railway have taken :

(i) to compensate the family of the dead lad ; and

(ii) to prevent similar rudeness from Ticket Collectors to the travelling public in future ?

(d) Will Government be pleased to state what departmental action was taken against this Travelling Ticket Collector by the Bengal Nagpur Railway, (i) just after the mishap took place, and (ii) after the judgment was delivered ?

(e) Will Government be pleased to lay on the table the report of the Bengal Nagpur Railway, and the findings of the Agent after he had information of the tragic death of this Oriya lad ?

The Honourable Sir Muhammad Zafrullah Khan : With your permission, Sir, I propose to reply to question Nos. 1275 and 1276 together.

I am collecting information and will lay a reply on the table of the House in due course.

ALLEGATIONS AGAINST CERTAIN EMPLOYEES OF THE BENGAL NAGPUR RAILWAY.

†1276. ***Mr. B. Das :** (a) Will Government be pleased to state if the Bengal Nagpur Railway drew their attention to the rape committed by certain Bengal Nagpur Railway employees on a lady intending to travel from Madras southwards ?

(b) What departmental action was taken against these employees by the Bengal Nagpur Railway (i) after the incident occurred, and (ii) after the judgment of the Court was delivered against the culprits ?

(c) What departmental circular has the Bengal Nagpur Railway issued to its railway employees after perusal of this judgment ?

(d) Will Government be pleased to place on the table the instruction letter of the Bengal Nagpur Railway ?

(e) Do Government agree with the action taken by the Bengal Nagpur Railway so far ?

FLOODS IN BIHAR.

1277. ***Mr. Satya Narayan Sinha :** (a) Has the attention of Government been drawn to the statement issued by Babu Rajendra Prasad, which has appeared in the *Hindustan Times*, dated the 18th September, 1936, regarding Bihar floods, in which he has suggested that the Government of India should secure the services of the best engineering experts available to study the situation of the terrible recurring floods in the said province every year since it was visited by the earthquake in the year 1934 ?

(b) If the reply to part (a) be in the affirmative, do Government propose to take any action ?

(c) Are Government aware that thousands of houses have collapsed in the District of Patna, Chapra and Gaya as a result of the incessant rains and consequent floods ? Do Government propose to place a decent amount at the disposal of the Provincial Government to give relief to the sufferers ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) No.

(c) 6,000 houses were destroyed in the Chapra District, but the Government of India have received no report from the Local Government about the destruction of houses in other districts. The Local Government have taken adequate steps to meet the situation and have not asked the Government of India for any financial assistance.

†For answer to this question, see answer to question No. 1275.

REPORT ON THE HEALTH OF MR. SUBHASH CHANDRA BOSE.

1278. ***Pandit Nilakantha Das :** (a) Has the attention of Government been drawn to the news published in the *Amrita Bazar Patrika* of the 17th September, 1936 (page 7) on the medical examination of Mr. Subhash Chandra Bose by Dr. Nilratan Sarkar and Dr. Drummond of Darjeeling ?

(b) Are Government prepared to lay on the table the report submitted by the aforesaid doctors on Mr. Bose's health, as they had found on the examination ?

(c) Is it a fact that the doctors who examined Mr. Subhash Chandra Bose reported that he should be taken down to Calcutta for proper diagnosis ? If so, are Government going to take Mr. Bose down to Calcutta for examination ? If so, when ?

(d) Is it not a fact that Mr. Subhash Chandra Bose suffered from continued illness during the period of his compulsory confinement and that his diseases grow serious ?

(e) Is it not also a fact that Mr. Bose has been suffering from serious complaints during his present detention as State Prisoner for which he had to be sent to Europe ?

(f) Will Government be pleased to state if they are prepared to consider the advisability of setting Mr. Bose at liberty soon on the ground of health ? If not, will Government state what other steps they propose to take to cure him ?

(g) If cure of his illness is not possible under detention, do Government propose to release him unconditionally ? If not, do Government propose to give him the chance of standing open trial ?

(h) If not, do Government propose to give him freedom to choose his method of treatment and physicians to treat him ?

The Honourable Sir Henry Craik : With your permission, Sir, I propose to answer questions Nos. 1278 and 1279 together.

I would invite the Honourable Member's attention to the replies given by me to question No. 783 and to the supplementary questions thereon and to my answer to question No. 1173.

REPORT ON THE HEALTH OF MR. SUBHASH CHANDRA BOSE.

†1279. ***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether the doctors who recently examined Mr. Subhash Chandra Bose have submitted their report to the Government of India ;

(b) whether in the course of that report they have expressed their inability to arrive at any definite diagnosis about Mr. Subhash Chandra Bose's ailments in the absence of facilities for X-Ray examination and bacteriological tests, etc. ;

(c) whether both these physicians have suggested that Mr. Bose should be transferred to Calcutta, if a thorough examination is considered necessary ;

†For answer to this question, see answer to question No. 1278.

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- (d) whether Mr. Bose has lost seven pounds in weight since his transfer to Kurseong, and whether he is running low temperature ; and
- (e) whether they propose to arrange for his transfer to Calcutta for a proper and thorough examination by those doctors, and if not, why not ?

REMOVAL OF BAN ON CERTAIN ASHRAMS IN BARDOLI AND SURAT.

1280. *Mr. S. Satyamurti : Will Government be pleased to state :

- (a) whether the following Ashrams in Bardoli and Surat in the Bombay Presidency have not yet been returned by Government to the owners thereof, and whether the ban on them still continues :

- (i) the Bardoli Swaraj Ashram, including Sardar Vallabhai Patel's residential quarters ;
- (ii) the Sarbhon Ashram ;
- (iii) the Madhi Ashram ; and
- (iv) the Vedchhi Ashram, which was purely a Technical Institute in which a large number of boys and girls belonging to the forest tribes of the surrounding area were being trained for spinning, carding and weaving ;
- (b) whether these Ashrams were carrying on purely constructive activities of the Congress ;
- (c) whether there is any litigation about them pending, or whether there is any insinuation of anything for violence of any kind made by anybody against any of these Ashrams ;
- (d) whether the Swaraj Ashram in the City of Surat is still under Government ban ;
- (e) whether all these buildings are still in possession of Government ; and
- (f) whether they propose to take any action to remove the ban and to return these buildings to the owners thereof ?

The Honourable Sir Henry Craik : I would refer the Honourable Member to the answers given by me in the course of my replies to supplementary questions asked in connection with question No. 1520 on the 5th April, 1935, when I explained the position in regard to the question of releasing buildings, belonging to associations which have been declared unlawful. The matter is one which concerns the Local Government and I would suggest therefore that the Honourable Member should obtain the information he requires from the Government of Bombay.

NON-OBSERVANCE OF RULES AND TERMS REGARDING SALE OF IRON SCRAP AT MOGHALPURA ON THE NORTH WESTERN RAILWAY.

1281. *Pandit Govind Ballabh Pant : (a) Is it a fact that the departmental rules and the terms specified in the auction notice were not observed as regards the sale of about 10,000 tons of iron scrap at Moghalpura on the North Western Railway on 9th August, 1935 ?

(b) Is it a fact that a substantial loss amounting to about Rs. 40,000 has consequently caused to the railway ?

The Honourable Sir Muhammad Zafrullah Khan : I am collecting information and will lay a reply on the table of the House in due course.

INSTITUTIONS AND ORGANISATIONS BANNED DURING THE CIVIL DISOBEDIENCE MOVEMENT.

1282. *Pandit Govind Ballabh Pant : (a) Has the ban been withdrawn from all institutions and organisations to which it was applied in the course of the Civil Disobedience Movement ? If not, which of these are still subject to it ?

(b) Will Government be pleased to lay on the table a list of such institutions and organisations and to state why it is considered necessary to continue the ban in these cases ?

The Honourable Sir Henry Craik : (a) and (b). I would refer the Honourable Member to the statement laid by me on the table on the 23rd April, 1936, in reply to Mr. Satyamurti's question No. 1474. I have no later information.

PERSONS PROHIBITED FROM ENTERING BRITISH INDIA.

1283. *Pandit Govind Ballabh Pant : (a) Will Government state if any persons are still prohibited from entering British India ? Will Government lay on the table a list of such persons ?

(b) Are there any subjects of Indian States who are debarred from entering British India ?

(c) Will Government lay on the table a list of such persons ?

(d) Was Sriji Mamilal Kothari subject to such orders ? Is it a fact that he has now become insane ?

(e) Is it a fact that the externment orders have not been completely cancelled even in his case ?

The Honourable Sir Henry Craik : (a) to (e). I presume the Honourable Member is referring to persons externed from British India by the Bombay Government in connection with the Civil Disobedience Movement. I am obtaining the information and will lay a statement on the table in due course.

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IMPROVEMENT IN THE BREEDING OF CATTLE AND MAINTENANCE OF PEDIGREE BULLS.

1284. *Pandit Govind Ballabh Pant : (a) Do Government maintain any cattle breeding farm ? If so, since when ?

(b) How many pedigree bulls have been brought up in the Government Farms ? How far does their pedigree extend ?

(c) How many pedigree bulls have been issued from the Government Farms ? To whom have these bulls been issued and on what terms ?

(d) Are any records of pedigree bulls maintained in any Government Farm ? If so, where and since when ?

(e) Have any practical steps been taken by Government to improve the breeding of cattle ? If so, will Government be pleased to state them ?

Mr. M. W. Yeatts : (a) So far as the Government of India are concerned, work on cattle breeding was carried on until recently at the Imperial Cattle Breeding Farm, Karnal, and also to a small extent at the Imperial Dairy Institute, Bangalore, and the Imperial Agricultural Research Institute while at Pusa. Cattle breeding farms are maintained by the Local Governments.

(b), (c), (d) and (e). Two statements are laid on the table.

Statement showing the steps taken by Government to improve the breeding of cattle.

Central Government.

(i) His Excellency the Viceroy has addressed the Governors of all provinces offering any assistance which lies in his power to the development of Cattle breeding in India and inviting suggestions on a plan outlined by him to attract un-official support and interest in live-stock improvement.

(ii) It has been decided to establish all-India herd books for recognised dairy strains and arrangements are nearly complete for convening meetings of prominent breeders of each breed to draw up a schedule of breed points.

(iii) The Government of India are addressing Local Governments on the question of the possible organisation of animal husbandry work in India on more efficient and better co-ordinated lines.

Local Governments.

(i) Improvement of local breeds by selective breeding of local milk strains or by grading up with recognised milk breeds.

(ii) Issue of stud bulls from Government Farms.

(iii) Certain Provincial Governments have also given grants to breeders or persons who maintain approved stud bulls for the improvement of cattle.

(iv) Provincial Veterinary Departments have given a great deal of special attention to the diseases of Dairy cattle and in addition assist in the improvement of the same by systematic castration, preventive inoculations, etc.

(v) Registration of pedigrees, systematic encouragement of farmers to breed pure dairy type cattle, etc., are also done in certain parts of the Bombay Presidency and the Punjab.

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Statement showing the steps taken by Government to improve the breeding of cattle. (Continued from the Imperial Cattle Breeding Farm, Karnal, Imperial Agricultural Research Institute, Bangalore, and Imperial Dairy Institute, Bangalore.)

Name of Institute.	No. of Pedigree Bulls brought up.	How far does the pedigree extend.	No. of Pedigree Bulls issued.	To whom issued and on what terms.	Whether records of pedigree bulls are maintained.	If so, since when.
1. Imperial Agricultural Research Institute (while at Pusa).	280	6th generation	251	Sold to Provinces, States of India, Burma, Ceylon, Andamans, Jamaica, and Malay States.	Yes	1904.
2. Imperial Cattle Breeding Farm, Karnal (now designated Agriculture Sub-Station to the Imperial Agricultural Research Institute, New Delhi).	133	2nd generation	106	Sold to Provinces and private individuals.	Yes	1923. (When the Farm was taken over by Imperial Agricultural Research Institute, from the Military Department.
3. Imperial Dairy Institute, Bangalore.	177 (From 1933 to 1935).	Scindri breed 2nd generation and Gir breed is newly founded.	177 (From 1933 to 1935).	Sold to general public local Governments, private institutions, Pinjrapoles and Cattle-breeding Associations.	Yes	Do.

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ADULTERATION IN MILK AND GHEE.

1285. *Pandit Govind Ballabh Pant : (a) Is it a fact that there is a general complaint about adulteration in the matter of milk and ghee ?

(b) Did the Agricultural Commission draw the attention of Government to this abuse ?

(c) What steps have Government taken to put an end to it ?

(d) Is there any All-India Act directed against such practices ?

Mr. M. W. Yeatts : (a) Yes.

(b) Yes.

(c) The prevention of the adulteration of milk and ghee and other articles of food is primarily a matter for Local Governments. Government understand that Local Governments are taking action to prevent such adulteration.

(d) No.

DISPOSAL OF CAST IRON SCRAP ON THE NORTH WESTERN RAILWAY.

1286. *Mr. Mohan Lal Saksena : (a) Is it a fact that, in respect of cast iron scrap disposal on the North Western Railway, the auctioneers are required to advertise auction sales in leading newspapers and issue handbills, detailing conditions of sale, etc., at least four weeks and two weeks, respectively, before the date of an auction ?

(b) Is it true that a big auction for 10,000 tons of cast iron scrap was arranged by the Controller of Stores, North Western Railway on the 9th of August, 1935 ?

(c) Is it a fact that the auction notice with regard to the said sale was issued on the 4th or 5th of August, 1935, and that only four or five days were allowed between the date of issue of the auction notice and the actual sale ? If so, what is the reason for this divergence from the prescribed rules ?

(d) Are Government aware that the terms in the auction notice as to the discretion of the Controller of Stores selling quantities lying out at depots were misleading, *vide* clause (1) of the auction notice ?

(e) Is it a fact that purchasers in accordance with rules provided in the Stores Manual have to pay 0-10-0 per ton loading charges and that it was also provided in the auction notice (*vide* clause 11, auction notice) ?

(f) Is it a fact that according to the advertised conditions of such sale, the purchaser was entitled to get delivery either at places at which scrap was lying, i.e., Sukarbasti, Raiwind, Sukhar and Karachi or at Mogulpura ?

(g) Is it a fact that the Controller of Stores after the auction drew up a private treaty with the purchaser and, contrary to all practice and rules, exempted the 0-10-0 per ton loading charges and facilitated delivery en route thereby occasioning a loss of about Rs. 4 per ton amounting to about Rs. 40,000 to the railway on the contract ?

(h) Is it a fact that according to Store Rules and also as provided in the auction notice (*vide* clause 7) the purchaser was to pay ground rent

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if he did not remove the material before the expiry of the contract and further that the Controller had the option of cancelling the sale and forfeiting security ?

(i) Is it true that the contract regarding this sale was to expire on 31st August, 1936, and the purchaser has still to remove a large quantity of material and no ground rent was levied from him, or any other action taken ?

(j) Is it a fact that the North Western Railway sold by private treaty in early 1934 a lot of 2,000 tons of cast iron scrap as a compensation to a certain firm and that other firms had offered to buy at a much higher rate with nearly a difference of Rs. 12 to Rs. 13 per ton ?

The Honourable Sir Muhammad Zafrullah Khan : I am collecting information and will lay a reply on the table of the House in due course.

DISPOSAL OF EXPORT SCRAP ON THE NORTH WESTERN RAILWAY.

1287. *Mr. Mohan Lal Saksena : (a) Is it a fact that the export scrap was disposed of at the North Western Railway Stores Depot by calling tenders in 1934 and the successful tenderer's contract was subsequently cancelled ? If so, why ? Was his rate Rs. 20 plus 0-10-0 loading charges ?

(b) Is it true that contrary to the previous practice and general rule, no fresh tenders were called and, out of the old tenderers, one was selected ?

(c) Is it a fact that according to the Store Rules and conditions of tender (*vide* clause 13) 0-10-0 per ton was to be charged as loading charges ?

(d) Is it true that in spite of the existence of this tender, a private treaty was drawn up exempting the purchaser from paying 0-10-0 per ton loading charges ?

(e) Is it a fact that the class of material—the subject of sale—was specifically mentioned in a schedule entered in the tender and despite this the Controller of Stores included and supplied additional items of considerably higher value for several of which the railway had obtained in the public auction Rs. 50, Rs. 60, Rs. 70 per ton ?

(f) Is it a fact that the purchaser has already removed about 15,000 tons ?

(g) Is it a fact that the North Western Railway has been already put to substantial loss amounting to nearly Rs. 85,000 besides the loss incurred owing to the purchaser having been given items of considerably higher value ?

The Honourable Sir Muhammad Zafrullah Khan : I am collecting information and will lay a reply on the table of the House in due course.

ACTING ARRANGEMENT AS POSTMASTER GENERAL, PATNA.

1288. *Mr. Muhammad Anwar-ul-Azim : (a) Is it a fact that in the Posts and Telegraphs Department during short leave vacancies upto four months acting arrangements are made locally ?

(b) Is it a fact that in the acting arrangements as Postmaster General, Patna, for a period of four months, an officer was imported there

from the Punjab Postal Circle on the plea of seniority depriving the Muslim official in that Circle ?

(c) If the reply to part (a) above be in the affirmative, why were not the acting arrangements in the Punjab Postal Circle as of Postmaster General, Patna, filled by a senior Superintendent on the same principle as allowed in part (b) above ?

The Honourable Sir Frank Noyce : (a) As a general rule, yes.

(b) Yes, a senior officer from another Circle was appointed.

(c) Does not arise.

RECRUITMENT OF MUSLIMS AS ENGINEERING SUPERVISOR, TELEGRAPHS.

1289. ***Mr. Muhammad Anwar-ul-Azim :** (a) Will Government please state the number of outside candidates, declared successful in the last examination held for the direct recruitment of Engineering Supervisor, Telegraphs, after the issue of the Government of India Home Department Resolution of 4th July, 1934 providing communal representation in services ?

(b) How many Muslims were appointed on merit and how many by reservation as Engineering Supervisor, Telegraphs, after this examination ?

(c) Is it a fact that Muslims were given no reservation and, if so, why were Government orders disregarded ?

(d) What action have Government taken, or propose to take, in order to remedy the loss done to the Muslim community and for the disregard of clear instructions regarding the reservation of Muslim representation ?

(e) Do Government propose to have this examination which is an All India Service, conducted by the Public Service Commission henceforward ?

The Honourable Sir Frank Noyce : (a) Twenty two.

(b) None on merit, one by reservation.

(c) The answer to part (b) establishes that the fact is not as stated: Government's orders were not disregarded.

(d) Does not arise.

(e) No. The Engineering Supervisor's service is not an All-India Service under the Public Service Commission (Functions) Rules, 1926.

MUSLIMS RECRUITED AS TELEPHONE OPERATORS IN THE LAHORE ENGINEERING DIVISION.

1290. ***Mr. Muhammad Anwar-ul-Azim :** (a) Will Government please state the number of telephone operators recruited in the Lahore Engineering Division on and after the 13th June, 1935 ?

(b) How many of these vacancies were given to Muslims by reservation ?

(c) If Government orders regarding reservation were not observed, what action do Government propose to take against the recruiting officer concerned, and how do they propose to recoup the loss sustained by the Muslim community at the hands of this recruiting officer ? If not, why not ?

The Honourable Sir Frank Noyce : (a) 45 in permanent, 12 in temporary and four in officiating vacancies.

(b) 21 in permanent posts, six in temporary and two in officiating vacancies.

(c) The Muslim community have received nearly the full percentage fixed for them in the Punjab in permanent vacancies and the full percentage in temporary and officiating vacancies. The deficiency in the permanent posts will be made up by future recruitment.

NON-OBSERVANCE OF ORDERS REGARDING MODEL ROTATION BY THE SUPERINTENDENT OF POST OFFICES, ROHTAK.

1291. ***Mr. Muhammad Anwar-ul-Azim :** (a) Is it a fact that orders of the Director General, Posts and Telegraphs, regarding model rotation have not been complied with by the Superintendent, Rohtak Postal Division, while making appointments in the clerical line ?

(b) If the reply to part (a) above be in the affirmative, what action do Government propose to take against this officer for non-observance of orders ? If none, why not ?

The Honourable Sir Frank Noyce : With your permission, Sir, I will reply to questions Nos. 1291 and 1292 together.

Government have no information. The matter is within the competence of the Postmaster-General, Punjab and North-West Frontier Circle, to whom a copy of these questions and this answer is being sent for such action as he may consider suitable.

NON-OBSERVANCE OF ORDERS REGARDING RESERVATION IN THE DELHI ENGINEERING DIVISION FOR THE CADRE OF TELEPHONE OPERATORS AND MISTRIES.

1292. ***Mr. Muhammad Anwar-ul-Azim :** (a) Is it a fact that Government orders regarding reservation have not been carried out in the Delhi Engineering Division for the cadre of telephone operators and telephone mistry in connection with the appointments made after 13th June, 1935 ?

(b) If the reply to part (a) above be in the affirmative, do Government propose to investigate the matter and take action against the recruiting officer concerned ? If not, why not ?

POSTAL CLERKS IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE REQUIRED TO PASS A TEST IN GURMUKHI.

1293. ***Mr. Muhammad Anwar-ul-Azim :** (a) Is it a fact that in the Punjab and North-West Frontier Postal Circle, postal clerks, including Muslims, are required to pass a test in Gurmukhi, which is not the court language in the Punjab and North-West Frontier Circle ?

(b) Is it a fact that Urdu is the Court language in the said Provinces, but non-Muslim officials are not required to pass a test in Urdu ?

(c) If the reply to part (b) above be in the affirmative, will Government please state the reasons for a disparity in the procedure, and what action do Government propose to take in the matter to set matters right ?

†For answer to this question, see answer to question No. 1291.

(d) Is it a fact that examination in Gurmukhi is conducted by officers who themselves are not supposed to be conversant with Gurmukhi?

(e) Is it a fact that officials below the rank of Divisional Superintendents and gazetted Postmasters (including Europeans) prepare papers and conduct examination in Gurmukhi?

(f) Is it a fact that examination in Gurmukhi is not conducted by a Board of gazetted officers?

(g) Is it a fact that papers are examined by Sikh officers and Muslims who failed were turned out of the department?

The Honourable Sir Frank Noyce : (a) and (b). Yes.

(c) As regards the first part of the question, a test in Urdu was not considered necessary as hitherto most of the candidates have possessed a knowledge of it, but as this was not so in the case of Gurmukhi, a test in the latter language only was held. The syllabus has however been revised to provide the transliteration of Gurmukhi into Urdu, thereby to test a candidate's knowledge of Urdu also.

(d) No, unless by 'officers who conduct the examination' the Honourable Member means invigilators and not examiners.

(e) and (f). Yes.

(g) As regards the first part of the question, the papers are examined generally by Sikh officers. As regards the last part, Government have no information.

RESERVATION OF A PERCENTAGE FOR THE MUSLIMS AND OTHER MINORITIES IN THE PUNJAB POSTAL CIRCLE.

1294. ***Mr. Muhammad Anwar-ul-Azim :** (a) Is it a fact that Government with a view to adjust the communal inequalities in the various branches of the service have issued instructions reserving 50 and 12½ per cent. for the Muslim and other minorities in the Punjab Postal Circle, leaving 37½ per cent. to be filled by competitive examinations open to all the communities?

(b) Is it a fact that the Director General, Posts and Telegraphs, during his recent visit to Srinagar (Kashmir) put a different interpretation on the said Resolution and ordered that 37½ per cent. of the unreserved posts should go exclusively to the Hindus and non-Hindus were not eligible to compete?

(c) If the reply to part (b) above be in the affirmative, will Government please state what action they propose to take to ensure faithful compliance with their instructions on the recruitment question and against the interpretation of the Director General, Posts and Telegraphs?

The Honourable Sir Frank Noyce : (a) The fact is not exactly as stated by the Honourable Member. All vacancies open to direct recruitment are to be filled in order of merit ascertained by competitive examinations open to all communities, subject to the reservation of 50 per cent. of the vacancies for Muslims and 12½ per cent. of the vacancies for other minorities in the Punjab and North-West Frontier Circle. When a member of a minority community obtains an unreserved vacancy, a corresponding reduction is made in the number of vacancies reserved for that

community. It is, however, open to minority communities to obtain on their merits more than their reserved quota.

(b) The reply to the first part of the question is in the affirmative. As regards the second part, official orders giving a correct interpretation were issued by the Director-General soon after reaching his headquarters.

(c) Does not arise.

PREPONDERANCE OF HINDUS IN POSTAL CIRCLES AND THE POSTS AND TELEGRAPHS DIRECTORATE.

1295. ***Mr. Muhammad Anwar-ul-Azim :** Is it a fact that Hindus far outnumber the members of all other communities taken together in all postal circles and the directorate in all administrative branches?

The Honourable Sir Frank Noyce : The Honourable Member is referred to Appendix XVII to the Indian Posts and Telegraphs Department Annual Report for the year 1934-35 which gives the number of employees in the administrative branches by communities.

EMBEZZLEMENT CASES IN THE LAHORE ENGINEERING DIVISION AND THE AMRITSAR TELEGRAPH EXCHANGE OFFICE.

1296. ***Mr. Muhammad Anwar-ul-Azim :** (a) With reference to starred question No. 1295, asked on the 17th March, 1936, is it a fact that there have been several embezzlement cases in the Lahore Engineering Division under the present Divisional Engineer, Telegraphs, and that the Director General, Posts and Telegraphs, had warned that officer for slack supervision?

(b) If the reply to part (a) above be in the affirmative, is it a fact that more embezzlement cases have been detected in the Amritsar Telephone Exchange Office after a warning was administered to the Divisional Engineer, Telegraph?

(c) If the reply to the preceding parts be in the affirmative, what action have Government taken or propose to take in these cases?

The Honourable Sir Frank Noyce : (a) The reply to the first part of the question is in the affirmative. With regard to the second part, the officer was warned by Government and not by the Director-General.

(b) Yes.

(c) The matter is under inquiry and suitable action will be taken in due course by the Head of the Circle who is fully competent to deal with it.

SAFEGUARDING OF THE INTERESTS OF MUSLIMS IN THE POSTS AND TELEGRAPHS DEPARTMENT IN OBSERVANCE OF NEW RULES FOR RECRUITMENT.

1297. ***Mr. Muhammad Anwar-ul-Azim :** (a) Is it a fact that in the Posts and Telegraphs Department Fundamental Rule 56 (b) is being rigidly followed by the present Director General, Posts and Telegraphs?

(b) If the reply to part (a) above be in the affirmative, is it a fact that in the Punjab Postal Circle this rule has benefited the non-Muslim staff who are the oldest on the list and proved most detrimental to Muslim interest for promotions and recruitments?

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(c) If the reply to part (b) above be in the affirmative, do Government propose to safeguard the interests of the Muslims in the Posts and Telegraphs Department for the observance of their new rules for recruitment?

The Honourable Sir Frank Noyce : (a) Yes.

(b) Government have no information, but I may explain that under the rule referred to by the Honourable Member it is permissible to retain in service non-ministerial servants who continue efficient after attaining the age of 55 years, without regard to communal considerations or considerations of promotion and recruitment.

(c) Government consider that the legitimate interests of the Muslim community are adequately safeguarded by the new rules applicable to direct recruitment.

REPORT ON THE HEALTH OF MR. SUBHASH CHANDRA BOSE.

1298. ***Mr. Amarendra Nath Chattopadhyaya :** (a) Is it a fact that Mr. Subhash Chandra Bose had been examined recently by Dr. Nilratan Sarkar and Dr. Drummond at Gidda Pahar in Kurseong?

(b) Has the attention of Government been drawn to the news published in the *Amrita Bazar Patrika* of the 17th September, 1936 (page 7) regarding the condition of health of Mr. Bose, as examined by the aforesaid doctors?

(c) Will Government be pleased to lay the report submitted by the aforesaid doctors on the table, or make a statement on the report on the floor of the House?

(d) Have Government accepted the reports of the two doctors and if so, do Government propose to send Mr. Subhash Chandra Bose to Calcutta for diagnosis of his disease? If so, when?

(e) Do Government propose to take into consideration the fact that Mr. Subhash Chandra Bose has been keeping bad health during the whole period of his detention and, in spite of his treatment by eminent doctors in Europe, he is still suffering?

(f) Do Government propose to take into consideration the fact that on the previous occasion Mr. Subhash Chandra Bose had to be released on the grounds of his serious illness and that he has been showing symptoms of illness at the present time again, which two eminent doctors could not diagnose?

(g) Do Government propose to allow Mr. Subhash Chandra Bose to get treatment according to his choice and by physicians of his own choice and in a place where such treatment would be easily available?

(h) Do Government propose to consider, if they think it desirable, the question of setting Mr. Bose at liberty on the grounds of ill-health, as he was set free on a previous occasion?

(i) If not, will Government be pleased to state on what grounds he is compelled to suffer from serious illness without proper treatment?

The Honourable Sir Henry Craik : I would refer the Honourable Member to the replies given to question No. 783 and the supplementary questions thereon and to my reply to question No. 1173.

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PROVISION OF REST ROOMS FOR INDIAN GUARDS AT CERTAIN RAILWAY STATIONS.

1299. ***Mr. Mohan Lal Saksena :** (a) Is it a fact that, notwithstanding repeated representations, rest rooms have not been provided for Indian guards at Lucknow Junction, Mailani, Bareilly City, Kasganj Junction and Moradabad stations?

(b) Is it also a fact that rest rooms are not provided at any station for the relieving staff?

(c) If the answer to parts (a) and (b) be in the affirmative, do Government propose to take necessary steps to see that they are provided at an early date?

Mr. P. R. Rau : Information is being collected and the reply will be laid on the table of the House in due course.

DIVIDEND DECLARED BY THE ROHILKUND AND KUMAON RAILWAY AND STOPPAGE OF PROMOTIONS IN THE TRAFFIC DEPARTMENT.

1300. ***Mr. Mohan Lal Saksena :** Is it a fact that the Rohilkund and Kumaon Railway has declared 16 per cent. dividend for the last year, and that all promotions have been stopped in the Traffic Department?

Mr. P. R. Rau : The answer to the first part of the question is in the affirmative. As regards the last part, Government have no information. The staff of the Rohilkund and Kumaon Railway are not Government servants and the matter is one which is within the competence of the Agent.

Mr. Mohan Lal Saksena : Did Government make any inquiries to find out whether the facts are as given in this question?

Mr. P. R. Rau : As regards the staff, No.

Mr. Mohan Lal Saksena : Why not?

Mr. P. R. Rau : It is not any concern of theirs.

SUPPLY OF SUITS TO THE GUARDS ON THE ROHILKUND AND KUMAON RAILWAY.

1301. ***Mr. Mohan Lal Saksena :** Is it a fact that guards on the Rohilkund and Kumaon Railway get only two suits per year, while guards on other railways get about six suits? If so, are Government prepared to draw the attention of the Rohilkund and Kumaon Railway authorities to this?

Mr. P. R. Rau : Government have no information.

Prof. N. G. Ranga : Will Government call for information?

Mr. P. R. Rau : No, Sir. Government have got nothing to do with

ABSENCE OF AN EMPLOYEES' WELFARE COMMITTEE ON THE ROHILKUND AND KUMAON RAILWAY.

1302. *Mr. Mohan Lal Saksena : Is it a fact that there is no employees' Welfare Committee on the Rohilkund and Kumaon Railway ? If so, why ?

Mr. P. R. Rau : Government have no information.

EMPLOYEES IN THE TRAFFIC DEPARTMENT OF THE ROHILKUND AND KUMAON RAILWAY DISCHARGED ON GROUNDS OF PROTRACTED ILLNESS.

1303. *Mr. Mohan Lal Saksena : Will Government be pleased to state the number of employees in the Traffic Department (Rohilkund and Kumaon Railway), discharged on grounds of protracted illness during the last two years, and how many of them were granted compensation if any ?

Mr. P. R. Rau : Government have no information.

CIRCULAR NO. 11 OF 1932 OF THE AGENT, ROHILKUND AND KUMAON RAILWAY.

1304. *Mr. Mohan Lal Saksena : (a) Will Government be pleased to lay on the table a copy of Agent, Rohilkund and Kumaon Railway's Circular No. 11 of 1932 ?

(b) Will Government satisfy themselves and state whether the provisions of the circular are strictly complied with ?

Mr. P. R. Rau : Information is being collected and will be laid on the table of the House in due course.

ALLEGATIONS AGAINST THE STAFF OF THE ROHILKUND AND KUMAON RAILWAY.

1305. *Mr. Mohan Lal Saksena : (a) Is it a fact that the staff on the Rohilkund and Kumaon Railway is comparatively lower paid than that of other railways ?

(b) Is it a fact that illegal practices are comparatively more prevalent on this railway ?

(c) Is it a fact that a large number of complaints have been made by merchants regarding illegal gratification demanded by Station Masters and Goods Clerks for the supply of empty wagons ?

Mr. P. R. Rau : With your permission, Sir, I propose to reply to question Nos. 1305, 1306 and 1307 together. Government have no information.

Mr. Mohan Lal Saksena : Does not the Geneva Convention apply to this Railway ?

Mr. P. R. Rau : It does not apply.

Mr. Mohan Lal Saksena : Do not the Government consider it inconsistent with the safety of passengers that guards should be asked to work 24 hours at a stretch ?

Mr. P. R. Rau : Government have made no inquiries but they have no reason to believe that the facts are as stated in the question. It is impossible for anybody to work for 24 hours at a stretch.

Mr. Mohan Lal Saksena : Will the Government make inquiries ?

Dr. Ziauddin Ahmad : Are the Government certain ?

Pandit Govind Ballabh Pant : May I know why the Geneva Convention was not extended to this Railway ?

Mr. P. R. Rau : The Geneva Convention has been extended only to certain railways in India, not to all. The financial condition of Indian Railways would make it impossible to extend it to all.

Mr. V. V. Giri : Have not Government ratified the Geneva Convention ? Then why don't they extend it to all railways.

Mr. P. R. Rau : As my Honourable friend is aware, the amendment of the Indian Railways Act that was passed by this House left it to Government to decide the time and the railways to which it should be applied.

Prof. N. G. Ranga : Do Government review the position and try to extend it to other railways ?

Mr. P. R. Rau : Government are reviewing the position every year.

Pandit Lakshmi Kanta Maitra : Can the Honourable Member assure us that the guards are not made to work for 24 hours ?

Mr. P. R. Rau : Government have made no inquiries but it seems quite impossible for anybody to work for 24 hours at a stretch....

Pandit Lakshmi Kanta Maitra : Is it the Honourable Member's a priori conclusion or is it based on facts ?

Mr. P. R. Rau : It seems quite impossible. I am quite prepared to send this question to the Agent of the R. and K. Railway.

Pandit Govind Ballabh Pant : Have Government informed the International Labour Office that the Geneva Convention has not been extended to some of the railways in this country ?

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

Pandit Govind Ballabh Pant : What were the reasons for exempting these railways from that Convention ?

Mr. P. R. Rau : I have just answered that question. The reason was that the depression and the consequent effects on the earnings of Indian Railways made it impossible for Government to contemplate the increase of expenditure which would be the result of applying this Convention to all railways.

Pandit Govind Ballabh Pant : Is it not a fact that the R. and K. Railway is deriving the highest amount of profits of all railways in this country ?

Mr. P. R. Rau : Not the highest, but it derives a certain amount of profit. Government have, however, to consider the financial position of all the railways as a whole.

Pandit Govind Ballabh Pant : How does the financial position of all the railways affect the application of the Geneva Convention to the R. and K. Railway ?

Mr. P. R. Rau : The application of the Geneva Convention to all the railways must involve a certain increase of expenditure.

Pandit Govind Ballabh Pant : Is it not a fact that while the State Railways are working at a loss, the R. and K. Railway has been paying a dividend of not less than 12½ per cent. per annum to its shareholders and stock-holders ?

Mr. P. R. Rau : I must submit that that does not arise out of this question but the question of applying this Convention to the R. and K. and other Railways is under the consideration of the Government.

Pandit Govind Ballabh Pant : When will Government be able to arrive at a decision ?

Mr. P. R. Rau : After the stage of consideration has been passed.

Pandit Govind Ballabh Pant : When will the stage of consideration be finished ?

Mr. P. R. Rau : When a decision has been reached. (Laughter.)

NIGHT DUTY OF ASSISTANT STATION MASTERS ON THE ROHILKUND AND KUMAON RAILWAY.

†1306. ***Mr. Mohan Lal Saksena :** Is it a fact that there are a number of Assistant Station Masters on this railway who have been on night duty for 15 and 20 years ?

DUTY HOURS OF GUARDS ON THE ROHILKUND AND KUMAON RAILWAY.

†1307. ***Mr. Mohan Lal Saksena :** Is it a fact that from October to May guards are often required to work at a stretch for 24 hours ? If so, do Government propose to see that this is discontinued in the interests of public safety ?

INSPECTION OF THE ROHILKUND AND KUMAON RAILWAY BY THE RAILWAY MEMBER.

1308. ***Mr. Mohan Lal Saksena :** Has the Honourable Member in charge Railways, inspected the Rohilkund and Kumaon Railway ? If so, when ? If not, when was it last inspected by his predecessor ?

The Honourable Sir Muhammad Zafrullah Khan : It is not part of the duties of the Member in charge of Railways to inspect individual Railways.

Pandit Govind Ballabh Pant : Has not the Honourable Member in charge voluntarily undertaken to inspect the railways, in the course of one of his speeches in this House ?

The Honourable Sir Muhammad Zafrullah Khan : Not to inspect the railways.

Pandit Govind Ballabh Pant : But he did say that whenever he would have occasion, he would look into the conditions affecting passengers travelling on these railways ?

The Honourable Sir Muhammad Zafrullah Khan : That does not mean inspections of railways.

†For answer to this question, see answer to question No. 1305.

Pandit Govind Ballabh Pant : Did the Honourable Member look into the condition of passengers on the R. and K. Railway at any time ?

The Honourable Sir Muhammad Zafrullah Khan : If the question is whether I have travelled over the R. and K. Railway, I have had no occasion to do so.

NON-PROVISION OF QUARTERS AT AISHBAGH JUNCTION, BAREILLY AND MAILANI FOR THE MEMBERS OF THE TRAFFIC AND LOCO. DEPARTMENT.

1309. ***Mr. Mohan Lal Saksena :** (a) Is it a fact that there are no quarters provided at Aishbagh Junction, Bareilly and Mailani for the members of the Traffic and Loco. Departments ? If so, where are they expected to reside ?

(b) Is it a fact that the Traffic Superintendent recently in reply to the memorial by Traffic staff at Mailani said that they were very fortunate in what they had as there were thousands of unemployed who did not have even that ?

(c) Are Government aware that even where the quarters are provided, the accommodation is wholly inadequate ?

Mr. P. R. Rau : (a) to (c). I am making enquiries from the Railway Administration and will place a reply on the table in due course.

OVERTIME WORKED BY THE DRIVERS ON THE ROHILKUND AND KUMAON RAILWAY.

1310. ***Mr. Mohan Lal Saksena :** Is it a fact that the drivers on the Rohilkund and Kumaon Railway are made to work overtime and are not paid any overtime allowance ?

Mr. P. R. Rau : No.

Pandit Govind Ballabh Pant : What does "no" mean ?

Mr. P. R. Rau : The information is that the allegation in the question is not correct.

Pandit Govind Ballabh Pant : "That they do not work over-time, or that they work over-time but do not get over-time allowance" ?

Pandit Lakshmi Kanta Maitra : To which part the negative relates ?

The Honourable Sir Muhammad Zafrullah Khan : The question is put in one part and that is the reply received from that Railway.

Pandit Govind Ballabh Pant : I was only seeking the elucidation of that answer,—as to what it really means ?

The Honourable Sir Muhammad Zafrullah Khan : I suppose it means either that they do not work overtime, or if they do they are paid for it. (Laughter.)

ABSENCE OF AN OVERBRIDGE AT THE BHOJEEPURA RAILWAY STATION.

1311. ***Mr. Mohan Lal Saksena :** Is it a fact that at Bhojeepera Station there is no over-bridge and the passengers have to cross the line ?

Mr. P. R. Rau : The information is being obtained from the Railway Administration and will be laid on the table in due course.

ABSENCE OF INTER-LOCKING SYSTEM ON THE ROHILKUND AND KUMAON RAILWAY.

1312. *Mr. Mohan Lal Saksena : Is it a fact that there is no system of inter-locking over the Rohilkund and Kumaon Railways? If so, do Government propose to see that at least important stations like Aishbagh, Mailani, Bareilly city and Bhojpur are inter-locked?

Mr. P. R. Rau : Enquiries are being made from the Railway Administration and a reply will be laid on the table in due course.

INTRODUCTION OF MAIL AND EXPRESS TRAINS ON THE ROHILKUND AND KUMAON RAILWAY.

1313. *Mr. Mohan Lal Saksena : (a) Is it a fact that on the Rohilkund and Kumaon Railway, no mail or express trains are run? If so, why?

(b) Do Government propose to see that fast trains are introduced on this Railway?

Mr. P. R. Rau : (a) and (b). There are both express and mail trains on the Rohilkund and Kumaon Railway on sections where these are necessary and can be justified.

Pandit Govind Ballabh Pant : Where have they got these mail trains—in which part of their system?

Mr. P. R. Rau : I am afraid I do not know, I cannot answer without notice.

Mr. Mohan Lal Saksena : Did the Honourable Member consult the time table and find out whether this answer is correct?

Mr. P. R. Rau : No, Sir; the Honourable Member could, if he chose, have done it.

Mr. Mohan Lal Saksena : Will the Honourable Member take it from me that there are no such mail trains, and that it is a false reply that has been sent up (Cries of "Order, order".)

Mr. P. R. Rau : I told the House that this was the information supplied to us by the Railway Administration.

Mr. Mohan Lal Saksena : Will the Honourable Member take it from me that I have consulted the time-table, and there are no mail or express trains?

Mr. P. R. Rau : I am sure there must be some trains carrying mails on the system.

Pandit Govind Ballabh Pant : Do mail or express trains take the same length of time in covering the same distance as passenger trains?

Mr. P. R. Rau : I must have notice of that.

Dr. Ziauddin Ahmad : Is it not a fact that a mail train means a train which carries the mails, and is it not a fact that mails are carried by the Rohilkund and Kumaon Railway to Naini Tal?

Mr. Mohan Lal Saksena : Is it not a fact that mails are also carried by passenger trains?

(No reply.)

RAIDS IN THE SUPPLY OF COAL TO THE LOCO. DEPARTMENT IN BAREILLY CITY.

1314. *Mr. Mohan Lal Saksena : Is it a fact that frauds in the supply of coal to the Loco. Department in Bareilly city were detected? If so, what was the total sum of money involved and what action was taken against the persons implicated?

Mr. P. R. Rau : Information has been called for and will be laid on the table of the House in due course.

HOSPITALS AND DISPENSARIES ON THE ROHILKUND AND KUMAON RAILWAY.

1315. *Mr. Mohan Lal Saksena : (a) Are Government aware that there is only one well equipped hospital all over the Rohilkund and Kumaon Railway line and the so-called dispensaries at Aishbagh, Mailani, Kasganj, Kashipur and Haldwani are lodged in single small rooms ten feet by six feet?

(b) Are Government aware that all of them are ill-equipped and there is not sufficient accommodation?

(c) Is it a fact that certain medicines are classified 'Medicines for Indians' and others as 'Medicines for Europeans'? If so, how and why is this classification made?

Mr. P. R. Rau : Information has been called for and will be laid on the table of the House in due course.

ABSENCE OF INTERMEDIATE CLASS WAITING ROOMS ON THE ROHILKUND AND KUMAON RAILWAY.

1316. *Mr. Mohan Lal Saksena : (a) Is it a fact that intermediate class waiting rooms are not provided at all on Rohilkund and Kumaon Railways? If so, why?

(b) Are the intermediate class passengers allowed to use the waiting rooms provided for higher classes? If not, why not?

Mr. P. R. Rau : (a) and (b). Government have no information on the points raised. It is their policy to leave questions of provision and use of waiting rooms to the Railway Administrations. I may add that this appears to be a question which the Local Advisory Committee might bring to the notice of the Agent.

Mr. Mohan Lal Saksena : Is it not a fact that the Local Railway Advisory Committee made recommendations regarding making waiting room arrangements for intermediate class passengers?

Mr. P. R. Rau : Local Advisory Committees are concerned with bringing to the notice of the Agent of the Railway the inconveniences that passengers might suffer on the railway.

Mr. Mohan Lal Saksena : Is it not a fact that some Local Advisory Committees have already recommended making suitable provision for waiting rooms for intermediate class passengers?

Mr. P. R. Rau : I am not aware of any recommendations made by the Local Advisory Committees but my Honourable friend probably knows all about it!

Pandit Govind Ballabh Pant : Is the Honourable Member aware if this question was ever considered by any Local Advisory Committee?

Mr. P. R. Rau : If it was not, it is for such a Committee to raise this question.

Pandit Govind Ballabh Pant : If Government are informed that the Local Advisory Committee did consider it and did make such recommendations, will Government ask the Railway to take notice of that?

Mr. P. R. Rau : That is a hypothetical question.

Pandit Govind Ballabh Pant : Are Government prepared to deny that the Local Advisory Committee did recommend that such retiring rooms should be provided for intermediate class passengers?

Mr. P. R. Rau : If my friend knows it, I am quite prepared to accept it.

Pandit Govind Ballabh Pant : Is the Honourable Member aware of railways having made such provision so far?

Mr. P. R. Rau : Sir, I shall be quite prepared if the House desires to forward a copy of these questions and answers to the Agent of the Railway.

Pandit Govind Ballabh Pant : With your recommendation that intermediate class passengers should have retiring rooms provided for them?

Mr. P. R. Rau : That depends on local circumstances. I do not think Government can make any recommendation without knowing all the facts of the case.

Pandit Govind Ballabh Pant : Are not Government acquainted with the local circumstances?

Mr. P. R. Rau : No.

Pandit Govind Ballabh Pant : Then what are you acquainted with? (Laughter.)

ABSENCE OF HINDU AND MUSLIM REFRESHMENT ROOMS ON THE ROHILKUND AND KUMAON RAILWAY.

1317. ***Mr. Mohan Lal Saksena :** Is it a fact that from Lucknow to Kasganj on the Rohilkund and Kumaon Railway there is not a single station where Hindu or Muhammadan refreshment rooms are provided?

Mr. P. R. Rau : There are refreshment rooms for Hindus and Muhammadans at Bareilly. The Rohilkund and Kumaon Railway notify in their time table that vendors have for sale at most stations a good selection of food.

FEES CHARGED BY THE PUBLIC SERVICE COMMISSION FOR COMPETITIVE EXAMINATIONS.

1318. ***Mr. Mohan Lal Saksena :** (a) Is it a fact that the Public Service Commission have been charging certain fees from the applicants for competitive examination? If so, how are these fees fixed?

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(b) What has been the total income from these fees to the Government during the last two years?

(c) Is it a fact that only a limited number of candidates are allowed to sit for a particular examination? If so, how are they selected?

(d) Is the fee charged only from those who are allowed to sit for the examination, or from all the applicants?

The Honourable Sir Henry Craik : (a) Yes. Except in the case of Ministerial Service Examinations and the special Examination for the "Dufferin" in regard to which no separate application fee is charged, the application fee is usually Rs. 7-8-0 and the examination fee varies from Rs. 15 to Rs. 100.

(b) The total income from these fees during the last two years (1934-35 and 1935-36) has been as under :

	Rs.
Application fees	35,663
Examination fees	1,62,093

(c) When the number of candidates is excessive, there is a provision in the rules for most examinations for a reduction to a manageable figure. The selection is made by the Public Service Commission in accordance with the rules.

(d) All applicants pay the application fee; only those who are admitted to the examination pay the examination fee.

Mr. Lalchand Navairai : May I know if after all the expenses are incurred for the examination, there is any surplus? If so, where does that surplus of money go? And why should Government have it?

The Honourable Sir Henry Craik : I have no reason to think that there is any surplus; on the other hand, I should think there is a distinct deficiency.

Pandit Lakshmi Kanta Maitra : What are the examinations for which the fee of Rs. 100 is charged from candidates?

The Honourable Sir Henry Craik : I must have notice.

Mr. Mohan Lal Saksena : May I know how the selection is made?

The Honourable Sir Henry Craik : It is made by the Public Service Commission in accordance with rules on the subject.

Pandit Lakshmi Kanta Maitra : May I know whether, in case candidates cannot sit for the examinations, their fees are refunded to them?

The Honourable Sir Henry Craik : I have said that they do not pay examination fees until they actually sit for the examination.

Dr. Ziauddin Ahmad : As regards part (c) of the question, the Honourable Member said that the selections are made according to the rules. I would like to know whether these rules are communicated to the candidates so that those who do not come within those rules may not apply?

The Honourable Sir Henry Craik : Yes, I think so.

Dr. Ziauddin Ahmad : Will you please state what those rules are?

The Honourable Sir Henry Craik : They are in the Library of the House.

Dr. Ziauddin Ahmad : The rules are not in the Library of the House, I am sure of that.

The Honourable Sir Henry Craik : I say they are in the Library of the House.

Pandit Govind Ballabh Pant : Does the Government notify that in case the number of candidates exceed a certain maximum, then all of them would not be allowed to sit for the examination ?

The Honourable Sir Henry Craik : Yes, that is notified.

Pandit Govind Ballabh Pant : What is the total expenditure incurred over these examinations ?

The Honourable Sir Henry Craik : I cannot say that without notice.

Mr. Mohan Lal Saksena : Is it not a fact that many candidates who have been applying are first class M.A.'s and B.A.'s and they have not been selected, while third class B.A.'s have been selected ?

Mr. President (The Honourable Sir Abdur Rahim) : That does not arise out of this.

ALLOWANCES FIXED FOR WIVES OF INDIAN OFFICERS IN THE INDIAN ARMY VETERINARY CORPS.

1319. ***Mr. Amarendra Nath Chattopadhyaya** (on behalf of Sardar Sant Singh) : (a) What allowances have Government fixed for the wives of Indian Officers in the Indian Army Veterinary Corps ?

(b) If the matter is under consideration, when is it likely to be decided ?

Mr. G. R. F. Tottenham : I presume by "Indian Officers" the Honourable Member means "Indian Commissioned Officers". On this assumption the replies are as follows :

(a) No allowances are admissible to wives of Indian Commissioned Officers of the Indian Army Veterinary Corps. All Indian Commissioned Officers receive consolidated rates of pay on the assumption that they are married.

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

INDIANISATION OF GROUND ENGINEERS EMPLOYED BY THE INDIAN NATIONAL AIRWAYS, LIMITED.

1320. ***Mr. Amarendra Nath Chattopadhyaya** (on behalf of Sardar Sant Singh) : Will Government please state what further steps the Indian National Airways, Limited, has taken since last year to Indianise the staff of Ground Engineers, or to better their prospects ?

The Honourable Sir Frank Noyce : As I explained in replying to Mr. Asaf Ali's question No. 618 earlier in this Session, the Company have effected economies by cutting down activities which were not commercially successful. The result is that, whereas last year they employed eight Ground Engineers of whom five were Indians, this year

they have only three Ground Engineers in employment on the Karachi service of whom two are Indians, as against one last year. The other activity of Indian National Airways which requires the services of Ground Engineers is the maintenance of Government aeroplanes and on this work five engineers are employed of whom two are Indians.

Pandit Govind Ballabh Pant : Has this Indian National Airways Ltd., reduced the emoluments of their Ground Engineers ?

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

Pandit Govind Ballabh Pant : Is it a fact that in spite of the financial difficulties of this company, they are still paying extravagant rates of salaries to its engineers as well as pilots ?

The Honourable Sir Frank Noyce : I have no reason to believe that the salaries paid are extravagant.

Pandit Govind Ballabh Pant : Have the Government ever compared the rates paid by the Indian Airways Ltd., with those paid by the Himalayan Airways Co., Ltd. ?

Mr. President (The Honourable Sir Abdur Rahim) : That does not arise out of this question.

Mr. Lalchand Navalrai : May I know if the Indian Ground Engineers and the European Ground Engineers employed by them get the same pay ?

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

MISAPPROPRIATION IN THE OFFICE OF THE SUPERINTENDENT, VICEREGAL ESTATE.

1321. ***Mr. Sham Lal :** (a) With reference to the reply to part (e) of starred question No. 1251, dated the 30th March, 1935, regarding misappropriation in the office of the Superintendent, Viceregal Estate, will Government please state :

- (i) whether the case, resulting in dismissal, etc., of an Indian employee, was handed over to the police ; if not, in what manner the enquiry was conducted in all its stages ;
- (ii) why the case was not handed over to the police and proceeded with in the court of law ;
- (iii) what were the definite charges ;
- (iv) whether the question of the responsibility of the Superintendent in this particular case was examined, and what action was taken against him ; and
- (v) whether they are satisfied that besides this there have been no other irregularities and embezzlements during the regime of the present Superintendent ?

(b) Are Government prepared to hand over the old papers relating to this case to the special C. I. D. for further enquiries to find out how far the Superintendent himself was a party in the case and place the facts before the House ? If not, why not ?

The Honourable Sir Frank Noyce : (a) (i) and (ii). The enquiry was conducted departmentally. The man admitted his guilt, and he was dismissed after obtaining the advice of the Public Service Commission under rule 10 (ii) of the Public Service Commission (Functions) Rules. The Government of India did not consider it necessary in the circumstances to hand over the matter to the police for enquiry.

(iii) The charge against the man was that he rendered false certificates in respect of the pay bills of an employee in the work-charged establishment.

(iv) There was no reason to believe that the Superintendent was in any way concerned in this case.

(v) This question does not arise.

(b) No. Government do not consider that there is any material to justify further enquiry into this case.

EXAMINATIONS FOR RECRUITMENT OF CLERKS IN THE DELHI GENERAL POST OFFICE.

1322. *Seth Haji Abdoola Haroon : (a) Will Government be pleased to state the number of examinations for clerical recruitment held at Delhi General Post Office during the last two years which were ordered to be cancelled by the Postmaster General, Punjab and North-West Frontier Circle, on account of non-observance of the rules for examination by the Postmaster, Delhi ?

(b) Is it a fact that in the said examination candidates with larger number of mistakes were found by the Postmaster General, Punjab to have been declared passed, whereas with less number declared failed ?

(c) Will Government be pleased to state the action taken against the Postmaster, Delhi for the irregularities in the examination noticed by the Postmaster General, Punjab ?

The Honourable Sir Frank Noyce : With your permission, Sir, I propose to reply questions Nos. 1322 and 1323 together. Information has been called for and a reply will be placed on the table of the House in due course.

EXAMINATIONS FOR RECRUITMENT OF CLERKS IN THE DELHI GENERAL POST OFFICE.

1323. *Seth Haji Abdoola Haroon : (a) Is it a fact that in connection with the examination of candidates for clerical recruitment held on the 30th August, 1936, the Postmaster, Delhi reported to the Postmaster General, Punjab that the paper for dictation was divulged same day before the examination and that it was copied out by some candidates from the book marked for the purpose by the Postmaster, Delhi ?

(b) Is it a fact that at the time when examination was in progress, an employee of the Railway Mail Service, Delhi brought from outside the Post Office a paper of dictation copied by a candidate and told the examiners that the paper was already out ?

†For answer to this question, see answer to question No. 1322.

(c) Will Government be pleased to state the names of (i) the R. M. S. porter who brought the copied paper, (ii) the candidate who copied it and (iii) the candidate who was not admitted by the Superintendent, Railway Mail Service, being over-age and who had been admitted by the Postmaster, Delhi and who threw away the copied paper, being disgusted ?

(d) Is it a fact that the candidate who was turned out, vide (c) above is a relative of a clerk working in the Delhi General Post Office ?

(e) Is it a fact that the Sub-Postmaster, Morigate, Delhi, is alleged to have had already arranged with the Postmaster, Delhi for acquainting some candidates with the dictation paper on payment to him of some money ?

(f) Is it a fact that an inferior servant, orderly peon of the Postmaster, Delhi, was made the scapegoat and, on promise of pardon through two senior officials of the Delhi General Post Office, was directed to make a statement about the divulgence of paper by him by taking out the book from the drawers of the Postmaster's table in order to conceal the real facts ?

(g) Are Government prepared to order an independent investigation into this serious matter, being made personally by the Postmaster General, Punjab, in order to find out the real offenders and take suitable action against them and the Postmaster, Delhi, responsible for all this ? If not, why not ?

REMOVAL AND TRANSFER OF ORDERLY PEONS BY THE POSTMASTER, DELHI.

1324. *Seth Haji Abdoola Haroon : (a) Will Government be pleased to state the total number and names of the orderly peons removed by the Postmaster, Delhi from that appointment and transferred to other posts during his stay at Delhi ? If so, why ?

(b) Is it a fact that on their transfer, the orderly peons brought certain charges against the Postmaster, Delhi and, if so, what were those charges and what actions on them have been taken by Government ?

The Honourable Sir Frank Noyce : (a) and (b). Government have no information. If the officials referred to by the Honourable Member consider that they have a grievance it is open to them to represent their case to the proper authority through the usual official channel.

FILLING UP OF THE VACANCY OF THE DIRECTOR OF TRAFFIC, RAILWAY BOARD.

1325. *Prof. N. G. Ranga (on behalf of Mr. C. N. Muthuranga Mudaliar) : Will Government be pleased to state :

(a) whether it is a fact that Mr. Mathura Das, the Director of Traffic for Railways is to go on leave shortly ;

(b) whether it is a fact that this vacancy is to be filled up by a European, who now occupies the position of Supervisor of Railway Labour ;

(c) whether this vacancy is a temporary one or a permanent one ;

(d) whether they have tried to find a suitable Indian to be appointed to that vacancy ; and

- (e) whether it is their object or policy to Europeanise the departments as and when occasion arises ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) and (c). No decision has been reached.

(d) Does not arise.

(e) No.

REPORT OF THE COMMITTEE THAT VISITED A CERTAIN SCHOOL ON THE EAST INDIAN RAILWAY.

1326. ***Dr. N. B. Khare :** With reference to item 7 of paragraph 30 of East Indian Railway Gazette No. 2 of 24th January, 1934, will the Honourable Member for Commerce and Railways please state the personnel of the Committee who visited the school since and to place the report of their visit on the table of the House ?

The Honourable Sir Muhammad Zafrullah Khan : I am collecting information and will lay a reply on the table of the House in due course.

DELEGATION OF POWERS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

1327. ***Dr. N. B. Khare :** With reference to the reply given on the 31st August, 1936, to unstarred question No. 519 asked in this House on the 7th April, 1936, will Government please state :

(a) whether the Posts and Telegraphs Department and the Railway Department are the Commercial Departments of the Government of India ;

(b) whether the Heads of Department under Posts and Telegraphs Department are delegated the powers of a Local Government and if so, who are they ;

(c) whether the Postmaster General of a Circle is delegated the powers of a Local Government under Home Department notification No. F. 6/7/33-II, dated the 19th June, 1933 ; and if not, under what notification ;

(d) whether the Heads of Department under Postmaster General of a Circle are delegated the powers of a Local Government ; if so, under what notification ;

(e) whether Superintendents or Divisional Engineers under Postmaster General of a Circle are delegated the powers of a Local Government ; if so, under what notification ;

(f) whether Postmasters or Engineers under Postmaster General of a Circle are delegated the powers of a Local Government ; if so, under what notification ;

(g) whether Home Department notification No. F. 6/7/33-II, dated 19th June, 1933, provides re-delegation of powers of a Local Government, if so, under what instruction number of the notification or otherwise ;

(h) the corresponding order of Warrant of Precedence of Railway officers and officers under the Posts and Telegraphs Department ; and

- (i) the number of non-Gazetted staff on Railways and Posts and Telegraphs Departments separately ?

The Honourable Sir Frank Noyce : (a) The Posts and Telegraphs Department is a public utility department which, in accordance with the general accepted policy of Government, is run on commercial lines. As regards the Railway Department, the reply is in the affirmative.

(b) Presumably, by the term "Heads of Departments under Posts and Telegraphs Department" the Honourable Member refers to certain officers under the Director-General who are in charge of postal circles and of certain other offices. If so, the reply is in the negative.

(c) to (g). No.

(h) The Honourable Member is referred to the Warrant of Precedence, a copy of which is in the Library of the House.

(i) As regards the number of non-gazetted staff in the Posts and Telegraphs Department, the total number of such staff on the 31st March, 1936, was 119,386. This figure includes 21,532 extra departmental employees who are not whole-time Government servants and 2,665 members of the audit and accounts staff.

As regards the Railway Department, I would invite the Honourable Member's attention to page 57 of Volume I of the report by the Railway Board for 1934-35, a copy of which is in the Library of the House.

RESPONSIBILITY OF THE GOVERNOR GENERAL IN COUNCIL FOR THE ACTIONS OF THE AGENTS OF STATE RAILWAYS.

1328. ***Dr. N. B. Khare :** Will Government please state whether the Governor General of India in Council is responsible for the actions, deeds, and orders of the Agents in administering the State-managed Railways in details ?

The Honourable Sir Muhammad Zafrullah Khan : With your permission, Sir, I propose to reply questions Nos. 1328 and 1329 together.

I am collecting information and will lay a reply on the table of the House in due course.

RESPONSIBILITY OF THE SECRETARY OF STATE FOR INDIA IN COUNCIL FOR THE ACTIONS OF THE AGENTS OF STATE RAILWAYS.

1329. ***Dr. N. B. Khare :** Will Government please state whether the Secretary of State for India in Council is responsible for the actions, deeds, and orders of the Agents in administering the State-managed Railways in details ?

AGENCY OF ABOLITION OF POSTS IN THE HIGHEST GRADES ON STATE RAILWAYS.

1330. ***Dr. N. B. Khare :** Will Government please state whether the Railway Board or the Administrations on State-managed Railways have adopted the policy since 1925 to abolish the posts in highest grade of a class of railway servants from the date an individual holding such grade

†For answer to this question, see answer to question No. 1328.

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in the class vacates it? If so, did it affect the accruing rights of the staff in service on that date in the next lower grade? If not, what further advancement had they?

The Honourable Sir Muhammad Zafrullah Khan: I am collecting information and will lay a reply on the table of the House in due course.

INDIANISATION OF POSTS IN THE HIGHEST GRADES ON STATE RAILWAYS.

1331. ***Dr. N. B. Khare:** Will Government please state whether the holders of highest grade of a class on State-managed Railways are chiefly Europeans and Anglo-Indians and their abolition affects adversely the Indians? If so, is it not against the policy of Indianisation in highest grades?

The Honourable Sir Muhammad Zafrullah Khan: As regards the first part of the question, the information readily available will be found in the Classified Lists of Subordinate Staff of State-managed Railways on pay of Rs. 250 and above or on scales of pay rising to Rs. 250 and above, copies of which are in the Library of the House. I may, however, add that the creation or abolition of a post depends on the exigencies of service and not in the interests of any individual or community.

HILL ALLOWANCE PAID TO RAILWAY STAFF AT SIMLA.

1332. ***Dr. N. B. Khare:** Will Government please state whether the staff at Simla on the North Western Railway are not paid hill allowances throughout the year? If so, why?

The Honourable Sir Muhammad Zafrullah Khan: The North Western Railway staff stationed at Simla are not given a Hill allowance. They are allowed a 'Cold Weather' allowance during the winter from the 1st November to the 31st March to meet extra expenditure on fuel and clothing during these months.

RETURN TICKETS FOR INTERMEDIATE AND THIRD CLASS PASSENGERS ON CERTAIN RAILWAYS FROM SIMLA.

1333. ***Dr. N. B. Khare:** Will Government please state whether return tickets for intermediate and third class passengers on North Western, East Indian, Bombay, Baroda and Central India (including Rajputana-Malwa Section), and Great Indian Peninsula Railways are permissible from Simla? If so, on what conditions and under what rule?

The Honourable Sir Muhammad Zafrullah Khan: I would refer the Honourable Member to rule 59-A. II on page 19 of the North Western Railway's Coaching Tariff, Part I, in force from the 1st July, 1936.

Intermediate class return tickets can be obtained only for stations on the East Indian Railway, on payment of two single fares over the North Western Railway and the Hardwar-Dehra Dun section of the East Indian Railway and one and a half fares over the rest of the East Indian Railway system.

Third class return tickets for servants of 1st and 2nd class passengers can be obtained for stations on the North Western, East Indian and Great Indian Peninsula Railways, on payment of two single fares.

ADMISSION TO STATION MASTERS ON THE NORTH WESTERN RAILWAY TO ISSUE CHARGE SHEETS.

1334. ***Dr. N. B. Khare:** Will Government please state whether Station Masters on the North Western Railway are permitted to issue charge sheets under their signatures and on their initiation to railway servants of their stations? If so, under what rule?

The Honourable Sir Muhammad Zafrullah Khan: Government are informed that no specific restriction has been laid down by the North Western Railway with regard to the authorities competent to issue a charge sheet.

TRANSFER OF STAFF FROM ONE DIVISION TO ANOTHER DIVISION ON THE NORTH WESTERN RAILWAY.

1335. ***Dr. N. B. Khare:** With reference to the Agent, North Western Railway, Circular No. I of 1927, will Government please state whether it is the policy of the Administration to transfer the staff below Rs. 190 from one Division to another Division? If so, under what rule and on what conditions?

The Honourable Sir Muhammad Zafrullah Khan: Government have no information.

PROMOTION OF GUARDS ON THE NORTH WESTERN RAILWAY.

1336. ***Dr. N. B. Khare:** With reference to the Agent, North Western Railway, Circular No. I of 1927, will Government please state whether it is the policy of the Administration not to promote any guard to Rs. 68, Rs. 115, and Rs. 200, who has not rendered three years satisfactory service on Rs. 60, Rs. 105 and Rs. 185, respectively? If so, how many guards recruited in 1931 on Rs. 60 were within two years promoted to Rs. 68 against this policy and why?

The Honourable Sir Muhammad Zafrullah Khan: The reply to the first part of the question is in the affirmative. As regards the latter part, Government have no information. This is a matter of detailed administration within the competence of the Agent, North Western Railway, to decide.

PROPOSAL TO APPOINT MR. K. M. HASSAN AS SUPERVISOR OF RAILWAY LABOUR.

1337. ***Dr. N. B. Khare:** Will the Honourable Member for Commerce and Railways please state:

(a) whether there is a proposal to appoint Mr. K. M. Hassan, Deputy Director, Establishment, Railway Board, as Supervisor of Railway Labour in the near future; and

(b) who are the gazetted officers eligible for the appointment to Supervisor of Railway Labour?

The Honourable Sir Muhammad Zafrullah Khan: (a) No.

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(b) The appointment in question is administrative and is filled by the selection of the most suitable officer.

JOINING OF RAILWAY UNIONS AND FEDERATIONS BY RAILWAY EMPLOYEES.

1338. *Dr. N. B. Khare : With reference to the reply given by the Honourable Sir Joseph Bhore to a supplementary question to starred question No. 724 asked in this House on 7th March, 1935, viz. : " I am not aware of any such thing (that Railway Agents prohibit or discourage their servants from joining trade unions, and, if they are members of trade unions, they are made to feel that they are doing something wrong and are treated with disfavour)", will Government state :

(a) whether the Deputy Director, Establishment II, Railway Board has on or about 19th September, 1936, informed the Assistant Operating Officer, North Western Railway, Simla, as well as the Station Master, Simla, on telephone that they should warn the railway servants at Simla not to join the National Federation of Railwaymen ;

(b) whether the said Deputy Director further informed them that he has seen railway servants in company with the officers of the said Federation ;

(c) whether the said Deputy Director pressed the discharge of the railway servants whom he saw in company with the officers of the said Federation ; and

(d) whether it is contemplated to remove the said railway servants from service by the Divisional Superintendent, North Western Railway, Delhi Division ?

The Honourable Sir Muhammad Zafrullah Khan : (a), (b) and (c). No.

(d) Does not arise.

GUARDS RETRENCHED IN THE DELHI DIVISION OF THE NORTH WESTERN RAILWAY.

1339. *Dr. N. B. Khare : Will Government please state :

(a) the number of guards retrenched in Delhi Division on the North Western Railway in 1931 in each grade, gradewise ;

(b) the number of retrenched guards provided in posts other than guards ;

(c) the posts and their scales of pay in which the retrenched guards were absorbed, gradewise ;

(d) the date on which and the number of those retrenched guards who were subsequently transferred to guards, gradewise ;

(e) the respective pay and the scales of pay drawn before and on transfer from posts where they were absorbed to posts as guards ; and

(f) the reason for reduction in pay, if any, on transfer to guards ?

The Honourable Sir Muhammad Zafrullah Khan : Government have no information and its collection will involve an amount of labour and expense not likely to be justified by results.

REDUCTION OF PAY OF RETRENCHED STAFF IN THE DELHI DIVISION OF THE NORTH WESTERN RAILWAY ON THEIR ABSORPTION IN OTHER POSTS.

1340. *Dr. N. B. Khare : Will Government please state :

(a) whether the staff in Delhi Division on the North Western Railway were in 1931 absorbed in posts on equal pay on being retrenched from posts which were brought under reduction ;

(b) whether the staff in absorbed posts have drawn increments in the time-scales of pay ;

(c) whether on transfer to the cadre, they belonged before being retrenched, their pay, which they are drawing in the cadre after being retrenched, was reduced ;

(d) whether the action of reduction of pay is justified by Fundamental Rule 15 ; and

(e) what action has been taken to set right the breach of Fundamental Rule 15, if any ?

The Honourable Sir Muhammad Zafrullah Khan : Government have no information. These are matters of detailed administration within the competence of the Agent to decide, to whom a copy of the question has been sent for information and such action as he may consider necessary.

INADEQUATE DRAINAGE AT LARKANA STATION ON THE NORTH WESTERN RAILWAY.

1341. *Mr. Lalchand Navalrai : (a) Will Government be pleased to state what arrangements are there to drain off the sullage and dirty water from the premises of Larkana, North Western Railway station of the said section ?

(b) Is it a fact that a drain has been constructed to terminate and discharge the water at the town railway crossing by the side of the public roads, into a pit within the railway limits without any outlet at all having been provided for it ?

(c) When was this drain constructed, and since then has the accumulated dirty water been taken out at any time by the Railway ? If not, why not ?

(d) Are Government aware that complaints by public, the municipality and the local officers made to the Railway authorities have been

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unheeded and the water has been allowed to be stagnant, which emits bad smell and is highly injurious to health? If so, who is responsible for doing so?

(e) Do Government propose to take immediate steps to remove this nuisance and make permanent arrangement for draining of or pumping out the water from the pit?

The Honourable Sir Muhammad Zafrullah Khan: (a) In the absence of any Municipal Drainage System in or around the Railway Colony at Larkana, the sullage water from the station buildings and staff quarters is collected and discharged into soakage pits and borrow pits within the Railway limits.

(b) Yes.

(c) In October-November, 1935. The accumulated sullage water, which is absolutely free from night soil, drains into the borrow pit and is gradually absorbed. The borrow pit is well defined and deep and of ample capacity and the necessity for removal of water has not arisen.

(d) There have been three complaints, one from Mr. Lalchand Navalrai and two from the Municipality. The North Western Railway is taking every precaution to prevent any nuisance occurring. This matter is given special attention by the medical staff of the North Western Railway who have instructions to keep the place under observation.

(e) The North Western Railway Administration do not admit the nuisance. The scheme was prepared and carried out to replace conditions which were considered by the Railway Administration as objectionable from the point of view of the railway staff, passengers, civil authorities and the general public. The scheme has resulted in the replacement of offensive marshes scattered in several places on the North side of the railway, and nearer the main public road, by a single deep rectangular pit further removed from the centre of the populated area.

Mr. Lalchand Navalrai: May I know if the Honourable Member has got information that there is no outlet to that ditch, and that the water is not being taken out by the sullage guards? Do Government propose to adopt some such means or they want to allow the water to remain as it is?

The Honourable Sir Muhammad Zafrullah Khan: I have given all the information that I have been able to collect, and I am unable to argue the matter further.

INDIANISATION OF HIGHER SERVICES IN THE KARACHI PORT TRUST.

1342. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if they have received a communication from the Buyers and Shippers' Chamber, Karachi, addressed to the Secretary to the Government of India, Commerce Department, on the subject of Indianisation of higher services in the Karachi Port Trust?

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(b) Will Government be pleased to state the number of higher posts in the Port Trust, Karachi, with the starting grade of Rs. 500 and above, and how many of such posts are held by Europeans and how many by Indians?

(c) Are the figures mentioned by the aforesaid chamber in their letter, viz., 19 Europeans and five Indians out of 24 officers, correct?

(d) What steps do Government propose to take to substantially increase the Indian element in this service?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes, Sir.

(b) and (c). The number of higher posts under the Karachi Port Trust with a starting grade of Rs. 500 and above is 23, of which 19 are held by Europeans and four by Indians.

(d) Government have taken special steps to keep themselves fully and constantly informed in this matter and they have no reason to believe that their policy of progressive Indianisation is being lost sight of by the Karachi Port Trust.

Pandit Govind Ballabh Pant: Has the number of officers getting more than Rs. 500 recently been reduced from 24 to 23?

The Honourable Sir Muhammad Zafrullah Khan: It was put down in the question as 24, but my information is that it is only 23.

Pandit Govind Ballabh Pant: For how long have there been four Indians in the Superior Service?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I would require notice of that question.

Pandit Govind Ballabh Pant: Is it not a fact that new candidates have been recruited from Europeans and the number of Indians has gone down?

The Honourable Sir Muhammad Zafrullah Khan: For that also I would require notice.

ALLEGED MISMANAGEMENT ON THE SHAHDARA-SAHARANPUR RAILWAY.

1343. ***Mr. Amarendra Nath Chattopadhyaya** (on behalf of Sardar Sant Singh): (a) Are Government aware of the mismanagement on the Shahdara-Saharanpur Railway?

(b) Are Government aware that the Shahdara-Saharanpur Railway has no sufficient rolling stock to cope with the requirements of the goods traffic, particularly sugarcane trucks required for the carriage of sugarcane for the satisfactory working of the mills in that area?

(c) For how long have the authorities of Shahdara-Saharanpur Railway given any express or implied assurance to Rai Bahadur Narain Singh and Sons, that their mill will receive facilities of carriage of sugarcane?

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and that the freight charged would be less than the rates prevailing over Rohilkund and Kumaon Railway and are the Railway authorities keeping their promise? If not, why not?

(d) Is it within the discretion of the Manager, Shahdara-Saharanpur Railway, to give undue preference to one sugar mill over the other in the matter of rates or supply of wagons?

(e) Are Government aware that Rai Bahadur Narain Singh Sugar Mills, Ltd., stopped its working earlier for want of supply of wagons by the Railway authorities?

(f) Do Government propose to direct the Railway authorities to have sufficient rolling stock, particularly the sugarcane wagons, to meet the requirements of the Sugar Mills in that area?

(g) Are Government aware that there is no road service in that locality and no goods can be carried by road?

(h) Are Government aware of the loss suffered by them in the form of excise duty for want of supply of wagons to Rai Bahadur Narain Singh Sugar Mills, Ltd., on account of the mill closing earlier?

(i) What steps are Government prepared to take in this direction?

(j) What steps do Government propose to take to prevent such loss in the next year by the non-supply of sugarcane wagons to the mills?

(k) Are Government prepared to afford facilities to the sugar mills to enable them to get sugarcane in sufficient quantities for the profitable working of those mills?

The Honourable Sir Muhammad Zafrullah Khan : (a), (b), (d), (e), (g) and (h). No.

(c) Government have no information.

(f), (i), (j) and (k). I am bringing the Honourable Member's question to the notice of the Managing Agents of the Shahdara-Saharanpur Railway for such action as they may consider necessary.

ORDERS PROHIBITING THE SALE OF *Jhatka* MEAT ON THE NORTH WESTERN RAILWAY STATIONS.

1344. ***Mr. Amarendra Nath Chattopadhyaya** (on behalf of Sardar Sant Singh) : (a) Are Government aware that on the North Western Railway orders have been issued that the Hindu meat vendors on platforms are not allowed to sell *jhatka*, while the Muhammadan meat vendors can sell *halal*? If so, what is the reason for this distinction?

(b) When were such orders issued and what were the circumstances which led to the issue of such orders?

(c) Will Government please state how the non-*halal* eating section of public is being served by the North Western Railway on platforms and how such men are expected to obtain their meat diet from platform

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particularly at stations where there are no Hindu refreshment

(d) Are Government aware that one of the arguments put forward by certain officers and others against the sale of *jhatka* meat is that the Muhammadans would demand permission for the sale of beef on the platforms?

(e) Does the Railway Board propose to intervene and have the orders amended immediately and not to give differential treatment? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan : (a) Out of deference to Muhammadan sentiment, the sale of *jhatka* meat has been restricted to Hindu refreshment rooms and dining cars. The sentiments of both communities appear to be equally respected, as no facilities are provided on public platforms for Muslims who eat beef or for such Hindus and Sikhs who eat only *jhatka* meat. A substitute acceptable to each community is, however, provided.

(b) On the 28th July, 1933, on information being received that *jhatka* meat sold on platforms was likely to arouse communal feeling.

(c) Non-*halal* eating passengers are not served with meat by platform vendors. Vegetarian food is provided for them.

(d) I am prepared to accept this from the Honourable Member.

(e) Government do not consider their intervention is called for.

Mr. Sri Prakasa : Is it possible to find out from the mere look of the meat whether it is *jhatka* or *halal*?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I have no experience in the matter. Perhaps the Honourable Member has.

Mr. Sri Prakasa : What sort of meat is permitted to be sold in the refreshment cars that run with the trains?

The Honourable Sir Muhammad Zafrullah Khan : That does not arise out of this question.

MEMORANDUM ISSUED EVERY MONTH BY THE EDUCATIONAL PRINTING WORKS, LAHORE.

1345. ***Mr. Amarendra Nath Chattopadhyaya** (on behalf of Sardar Sant Singh) : (a) Has the attention of Government been drawn to the Memorandum issued every month by the "Educational Printing Works", Lahore?

(b) Under whose authority are such memoranda being issued and also circulated by Government?

(c) Do Government propose to find out the source of information from which such papers are published?

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(d) Are Government prepared to find out the responsible persons connected with giving out all secrets of offices on the North Western Railway to this or other printing works and place all the facts on the table of the House ?

(e) What is the policy of the Government in regard to these memoranda ?

(f) What steps have Government taken to see that their officers of the Railways, Posts and Telegraphs and other Departments, are not unnecessarily criticised, defamed, abused and attacked on false pretext, as is evident from such memoranda ? If none, why not ?

(g) Are Government aware that such kind of remarks against certain of their officers are bound to cause great worry and ultimately mental effect ?

(h) Will Government please state what steps they propose to safeguard the interest of their officers, and what action they propose to take in this particular case ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Government have seen copies of the memorandum referred to in the question.

(b) Government have no information.

(c) and (d). Government do not consider any useful purpose will be served by holding an enquiry into the matter.

(e) No action is taken on anonymous communications.

(f) , (g) and (h). In view of my reply to part (e), no action is considered necessary.

APPOINTMENT OF A SIKH OFFICER IN THE RAILWAY BOARD.

1346. ***Mr. Amarendra Nath Chattopadhyaya** (on behalf of Sardar Sant Singh) : (a) Will Government please state the number of officers, above the rank of Chief Superintendent or Assistant Secretary in the Railway Board, employed on 1st April, 1926, 1930, 1934, 1935 and at present and how many of them were Indians and Europeans, including Anglo-Indians ?

(b) How many of the Indians were Hindus, Muhammadans and Sikhs on the dates mentioned above ?

(c) What are the special reasons for the increase of Muhammadan officers every year in the Railway Board, and what proportion do they form to the total appointments held by Indians on the Railway Board ?

(d) What are the special reasons for calling for Muhammadan officers of the Punjab and North Western Railway only on the Railway Board ?

(e) Is there no capable Muhammadan officer of the Bengal or Madras on their railways who could occupy such appointments efficiently ?

(f) Have Government appointed a Sikh officer permanently on the Railway Board since its creation ? If not, what are the reasons ?

(g) Is it the policy of the Railway Board to ignore the claims of this important community altogether like this on their staff ?

(h) Are Government prepared to see their way to appoint a Sikh officer also on the Railway Board ? If not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). A statement is laid on the table.

(c) to (e). There was no special reason. The officers considered most suitable were selected.

(f) to (h). I would refer the Honourable Member to the reply given by Sir A. Parsons on the 9th March, 1931, to question No. 275 put by Sardar Harbans Singh Brar.

Statements showing names of officers above the rank of C. E. or A. S. on 1st April 1926, 1st April 1930, 1st April 1934, 1st April 1935 and 14th October 1936.

Posts.	1st April 1926.		1st April 1930.		1st April 1934.		1st April 1935.		14th October 1936.	
	Europeans or Anglo-Indians.	Indians.	Europeans or Anglo-Indians.	Indians.	Europeans or Anglo-Indians.	Indians.	Europeans or Anglo-Indians.	Indians.	Europeans or Anglo-Indians.	Indians.
C. C.	Sir C. Hindley		Sir Guthrie Russell.	Mr. A. M. Hayman (I. C.).	Sir Guthrie Russell.		Sir Guthrie Russell.		Sir Guthrie Russell.	
M.	Sir A. Hadow		Mr. M. Brayshaw.		Sir C. P. Colvin.		Mr. T. Patten-son.		Mr. Highet.	
M.	Mr. P. C. Sheridan.		Mr. H. A. M. Hannay.						Mr. T. Patten-son.	
M.			Sir A. Parson		Mr. Harvey	P. R. Rau				Mr. P. R. Rau.
F. C.	Mr. G. G. Sim		Mr. Flowerdew.						Col. Woodhouse.	
D. C. E.	Col. Hopkins		Mr. Page						Mr. R. C. Case.	
D. M. E.	Mr. A. J. Chase.		Mr. N. Calder							
D. E.		Mr. S. D. Gupta.	Mr. C. P. Colvin.			D. B. Mathra Das.				D. B. Mathra Das.
D. T.	Mr. S. D. Manson.		Mr. A. M. Hayman (I. C.).	Mr. T. S. Sankara.						Mr. T. S. Sankara.
D. F.	Mr. P. H. Madlin.		Mr. J. Karl	Mr. A. M. Ali.	Mr. L. H. Kirkness.		Mr. B. Moody		Mr. L. H. Kirkness.	
Secy.										
Dy. Secy.										

Posts.	1st April 1926.		1st April 1930.		1st April 1934.		1st April 1935.		14th October 1936.	
	Europeans or Anglo-Indians.	Indians.	Europeans or Anglo-Indians.	Indians.	Europeans or Anglo-Indians.	Indians.	Europeans or Anglo-Indians.	Indians.	Europeans or Anglo-Indians.	Indians.
D. D. M.	Mr. E. Shackleton.		Mr. C. G. G. G.		Mr. C. G. G. G.		Mr. C. G. G. G.		Mr. C. G. G. G.	
D. D. S.	Mr. B. Moody		Mr. D. Souza		Mr. D. Souza		Mr. D. Souza		Mr. D. Souza	
D. D. T. (G.)			Mr. Laughton		Mr. Laughton		Mr. Laughton		Mr. Laughton	
D. D. P.	Mr. H. L. Glass.		Mr. de Lange		Mr. de Lange		Mr. de Lange		Mr. de Lange	
D. D. C.		Mr. P. R. Rau.		Mr. Hasan		Mr. Hasan		Mr. Hasan		Mr. Hasan
D. D. F.				Mr. H. H. Khan.		Mr. H. H. Khan.		Mr. H. H. Khan.		Mr. H. H. Khan.
D. D. E. (I)				Mr. S. Z. H. Khan.		Mr. S. Z. H. Khan.		Mr. S. Z. H. Khan.		Mr. S. Z. H. Khan.
D. D. F. (T.)				Mr. K. B. Barkat Ali.		Mr. K. B. Barkat Ali.		Mr. K. B. Barkat Ali.		Mr. K. B. Barkat Ali.
D. D. E. (H)				Mr. F. M. Khan.		Mr. F. M. Khan.		Mr. F. M. Khan.		Mr. F. M. Khan.
A. D. D. F.				Mr. K. M. Hasan.		Mr. K. M. Hasan.		Mr. K. M. Hasan.		Mr. K. M. Hasan.
O. S. D.				Mr. Yakub Shah.		Mr. Yakub Shah.		Mr. Yakub Shah.		Mr. Yakub Shah.
No. of officers	11	4(a)	13	4(a)	7	8(a)	6	7(a)	8	10(a)
Hindus	15	3	17	1	13	3	13	3	13	4
Mahomedans	(a)	H-3	(a)	H-1	(a)	H-3	(a)	H-4	(a)	H-4
Sikhs		M-3		M-2		M-3		M-2		M-5
		S-		S-		S-		S-		S-

TENURE OF AN OFFICER OF THE RAILWAY BOARD.

1347. *Mr. Amarendra Nath Chattopadhyaya (on behalf of Sardar Sant Singh) : (a) What is the ordinary and special period, respectively, of the tenure of an officer on the Railway Board ?

(b) Who are the officers who have been with the Railway Board continuously for more than three years and what are the reasons therefor ?

The Honourable Sir Muhammad Zafrullah Khan : (a) This depends on the exigencies of the service.

(b) A statement is laid on the table of the House.

Statement showing the names of Officers in the Railway Board who have been serving for more than three years.

Serial No.	Names.	Designation.	Corresponding rank in the Government of India.	Remarks.
1	The Hon'ble Sir Guthrie Russell, Kt.	Chief Commissioner of Railways.	Secretary.	
2	Mr. P. R. Rau	Financial Commissioner of Railways.	Secretary.	
3	Mr. T. S. Sankara Aiyar.	Director	Deputy Secretary.	
4	Diwan Bahadur Mathra Das.	Director	Deputy Secretary.	
5	Mr. F. D'Souza	Director	Deputy Secretary.	
6	Mr. L. H. Kirkness, C.I.E.	Secretary Railway Board.	Deputy Secretary.	
7	K. B. Barkat Ali	Deputy Director	Under Secretary.	
8	Mr. K. M. Hassan	Deputy Director	Under Secretary.	
9	K. S. Z. H. Khan	Deputy Director	Under Secretary.	

Pandit Lakshmi Kanta Maitra : Is there no fixed tenure ?

The Honourable Sir Muhammad Zafrullah Khan : In reply to another question, I believe, it has been stated that the usual tenure is four years subject to any extension that might be given.

APPOINTMENT OF A SIKH OFFICER IN THE APPOINTMENTS UNDER THE CONTROL OF THE HOME DEPARTMENT.

1348. *Mr. Amarendra Nath Chattopadhyaya (on behalf of Sardar Sant Singh) : (a) How many new appointments of gazetted rank were created under the Home Department, including its attached offices, since 1st March last ?

(b) What procedure was adopted in selecting the incumbents ?

(c) Will Government please state whether, in making these appointments they took into consideration this fact that by offering the appoint-

ments to members of a community of which there was already an officer on their staff and with the allotment of this additional appointment to a member of the same minority community, they would thereby be giving much more than due share on the establishment of that office ? If so, how and if not, why they themselves did not observe the orders issued on the subject of minorities representation by them ?

(d) What proportion does each community now form on the establishment of these offices (officers grade only) ?

(e) Were there any Sikh candidates for each of the appointments, and in what way were they inferior to the selected candidates ?

(f) Why are the claims of Sikhs being overlooked for higher appointments which are created under the Home Department's control, and are Government prepared to see their way to give this community also its due share ? If not, why not ?

The Honourable Sir Henry Craik : I lay a statement on the table.

Statement showing the gazetted appointments (excluding temporary posts) created in the Home Department and its attached offices since 1st March, 1936.

Part of question.	Home Department.	D. I. B.	D. P. I.	Public Service Commission.
(e)	Nil	Nil	* 2	1.
(b) and (c)	Does not arise.	Does not arise.	In one case certain Local Governments were asked to suggest names and in the other a letter was issued to all Departments of the Government of India inviting applications from members of their staff. Selection was based on merits.	Local Governments and E., H. and L. Department were asked to submit recommendations and the most suitable candidate was selected. Communal considerations were not taken into account in making the selection.
(d) Europeans 40%	..	62.1%	40%	..
Hindus .. 20%	..	20.7%	20%	50%
Muslims .. 10%	..	17.2%	40%	50%
Anglo-Indians 30%	..	..	..	..
(e)	Does not arise.	Does not arise.	No	No Sikh candidate was recommended by any local Government. One such candidate, however, applied through his local Government.
(d)	Does not arise.	Does not arise.	..	..

* Including one post which was not a gazetted appointment when the selection was made.

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Dr. Ziauddin Ahmad : May I ask what is the difference between the Hindu programme and the Muhammadan programme in broadcasting ? Has it anything to do with the religious side ?

(No answer.)

BRAKESMAN ON THE EAST INDIAN RAILWAY.

1350. ***Mr. Muhammad Azhar Ali :** With reference to the reply given on the 31st August, 1936 to part (a) of unstarred question No. 510 asked in this House on the 7th April, 1936, will Government please state the date from which Brakesmen on the East Indian Railway ceased to have been employed as such ?

The Honourable Sir Muhammad Zafrullah Khan : Government are informed that on the old East Indian Railway area brakesmen were removed about the year 1923. About the year 1925 after the amalgamation of the old Oudh and Rohilkund Railway with the East Indian Railway a certain number of brakesmen were removed from the Oudh and Rohilkund Railway area and the remainder were retained to perform the duties of letter delivery clerks until this category was converted into that of sorters in 1935.

FIXATION OF DATES FOR POLLING IN THE PROVINCES FOR THE COMING ELECTIONS.

1351. ***Pandit Govind Ballabh Pant :** (a) Have the dates for polling been fixed for the different Provinces ? If so, will Government be pleased to state what they are ?

(b) Will the elections for general constituencies be held in every province on one and the same day ? If not, how long will it take to complete the elections and how will the different constituencies in a province be arranged for this purpose ?

The Honourable Sir Nripendra Sircar : (a) The dates for polling in a province are to be fixed by the Local Governments and will be published by them in due course.

(b) Government have no information.

Pandit Govind Ballabh Pant : Is the Government of India not consulted about these dates ?

The Honourable Sir Nripendra Sircar : I believe, before they are finally fixed, they will be submitted to the Government of India for their information, but that stage is not reached yet.

Pandit Govind Ballabh Pant : May I inform the Honourable the Law Member that in fact, in some provinces the dates have already been fixed and notified ?

The Honourable Sir Nripendra Sircar : I stand corrected.

Pandit Govind Ballabh Pant : May I know if the next Session of the Assembly will start after the elections are over ? In my province the notification published day before yesterday gave the 8th and 9th of February as the dates for polling.

The Honourable Sir Nripendra Sircar : The date of the next Session has not yet been decided but the probability is that the Assembly will sit before the 8th or the 9th of February.

Pandit Govind Ballabh Pant : Are the Government aware of the fact that the elections are likely to take place in the first half of February in most of the provinces ?

The Honourable Sir Nripendra Sircar : I accept that.

Pandit Govind Ballabh Pant : Will the Government kindly bear it in mind that, as most of the Members of the Assembly will be interested in these elections, it is desirable to hold the next Session after the elections ?

The Honourable Sir Nripendra Sircar : Government are not convinced that their interests will draw them near polling stations and we expect most of the Members will be here.

Pandit Govind Ballabh Pant : The next elections are likely to absorb the time of a large number of Members of this House. In fact, general elections are intended to evoke general interest.

The Honourable Sir Nripendra Sircar : What is the question that the Honourable Member is asking me ?

Pandit Govind Ballabh Pant : My question is that the Government may, in view of the fact that many of the Members of the Assembly will be interested in the elections, try to fix the next Session of the Assembly after polling has been finished in the provinces ?

The Honourable Sir Nripendra Sircar : I can give no hopes that that will be done.

Pandit Govind Ballabh Pant : When is the next Session likely to begin ?

The Honourable Sir Nripendra Sircar : I cannot make any definite pronouncement about it, but surely it will begin before the 8th or 9th of February.

Pandit Govind Ballabh Pant : Will it begin in January ?

The Honourable Sir Nripendra Sircar : The utmost that I can say now is that it might begin about the 25th or 26th of January. That is a tentative proposal, and I cannot make a definite statement.

Pandit Govind Ballabh Pant : Is it a fact that this year the Assembly started only on the 2nd of February ? Is it also a fact that this time the Simla Session has been much longer than in any other year ?

The Honourable Sir Nripendra Sircar : Those are facts which are known to everybody.

Pandit Govind Ballabh Pant : In view of these facts, will Government consider the advisability of starting the next Session as late in February as possible and not in January at all ?

The Honourable Sir Nripendra Sircar : There is nothing to prevent the Government from considering it, but I do not want to conceal from the House that it is not likely to happen.

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Sir Muhammad Yakub : Are Government aware that during the last Delhi Session, the Assembly was sitting till the 23rd April when it was very hot and then some items on the agenda could not be finished and it was then said by certain Honourable Members that at the fag-end of the Session no important work should be brought forward for discussion in the Assembly.

The Honourable Sir Nripendra Sircar : Delhi is very cold in January and very hot in April.

Pandit Govind Ballabh Pant : Do Government share the desire of Sir Muhammad Yakub that Members of the Assembly should, as far as possible, be kept away from the scenes of these provincial elections where their presence will be useful to the candidates ?

(No answer.)

Mr. Mohan Lal Saksena (Lucknow Division : Non-Muhammadan Rural) : Sir, before we proceed to the business on the agenda, I should like to raise a point of order. I gave notice of certain questions, and although ten days have passed, they have not been brought on the list of questions issued by the Assembly Department. Standing Order 17 says :

" Questions, which have not been disallowed, shall be entered in the list of questions for the day and shall be called if the time available for questions permits in the order in which they stand in the list....."

Mr. President (The Honourable Sir Abdur Rahim) : What is the point of order ?

Mr. Mohan Lal Saksena : In the list of questions issued for today I do not find my questions. The questions have not been brought on the list as required by the Standing Order which I have just read out.

Mr. President (The Honourable Sir Abdur Rahim) : All the questions of which notice has been given have been disposed of by me, and I take it, it may be that in case of some particular questions, there may be some delay owing to the fact that Government perhaps are not in a position to collect the information or something like that. But all the questions, of which notice has been given, have been disposed of.

Mr. Mohan Lal Saksena : I may inform you, Sir, that I gave notice of a number of questions which have not been disallowed.

Mr. President (The Honourable Sir Abdur Rahim) : I cannot allow the time of the House to be wasted in discussing this subject. The Honourable Member can write to the Assembly Office giving particulars of the questions which he has given notice of and ascertain the facts.

Mr. Mohan Lal Saksena : Under Standing Order No. 7, a question should be disallowed within ten days, and, so far as my questions are concerned, more than ten days have elapsed, and I have not received any communication intimating that my questions have been disallowed, nor do I find them in the list of questions for today. Therefore, these questions must have been admitted by you, Sir, and they must have been put on the list of questions which has not been done.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member should make a representation to the office, and he will get an answer.

MOTIONS FOR ADJOURNMENT.

SUSPENSION OF SOME PATWARIS OF THE ALIGARH DISTRICT FOR ALLEGED ATTENDING AN ELECTION MEETING.

Mr. President (The Honourable Sir Abdur Rahim) : I have received notices of three motions for adjournment of the House relating apparently to the same subject.

The first one is by Mr. Mohan Lal Saksena. He wants :

" To move the adjournment of the business of the Assembly to consider a definite matter of urgent public importance, that is, the failure of the Government of India in stopping interference by the Government of the United Provinces and its officials in the forthcoming elections to the Provincial Legislature, as evidenced by the latest action of the Government in suspending 11 patwaris and two court peons in Khair, District Aligarh, for attending an election meeting addressed by Pandit Jawahar Lal Nehru and thus depriving them of their right and freedom of exercising choice between the candidates of the various contending parties in the forthcoming elections. This news was published in the *Hindustan Times* of the 13th October."

As the Honourable Member knows, I cannot accept a motion for adjournment merely on the report published in the newspaper. I want to know what specific information or authentic information the Honourable Member has in his possession about this subject.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : The statement is correct. I wired to the Secretary of the Aligarh Congress Committee to let me know the names of these Patwaris and peons who have been suspended, and he has sent me the following names :

1. Radhe Sham. 2. Piarey Lal. 3. Chandan Lal. 4. Ram Swarup. 5. Jwala Pershad. 6. Har Narayan. 7. Hira Lal. 8. Ramsaran. 9. Ramsaran. 10. Cheda Lal. 11. Bhooora Singh. 12. Shyam Behari.

These are Patwaris. The two peons were Chida Lal and Zahir Ahmad.

Mr. President (The Honourable Sir Abdur Rahim) : I want to know the specific information. That does not take the matter beyond what is mentioned in the newspaper. What I want to know is whether the Honourable Member has got any copy of the order or anything like that suspending these persons.

Mr. Mohan Lal Saksena (Lucknow Division : Non-Muhammadan Rural) : Up till now the practice has been that if you are satisfied that a certain report in the newspaper is correct, you have been pleased to rule the motion in order.

Mr. President (The Honourable Sir Abdur Rahim) : I do not know whether the Government admit the facts.

The Honourable Sir Henry Craik (Home Member) : Not as alleged in the adjournment motion.

Mr. President (The Honourable Sir Abdur Rahim) : What are the facts ?

The Honourable Sir Henry Craik : The facts are that there was no order by the Local Government at all ; there was no order by the

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MOTIONS FOR ADJOURNMENT.

[Sir Henry Craik.]

Collector even, but there was an order by the sub-divisional officer suspending these subordinate officials primarily for absence without leave from their duty. The reason why they were absent without leave is suspected to have been that they attended a meeting called by Pandit Jawahar Lal Nehru. That question is under investigation at the present moment, but the primary cause of their suspension was that they were absent without leave from their duty. The matter is under enquiry and I submit we cannot by any stretch of imagination call the matter to be one of urgent public importance.

Pandit Govind Ballabh Pant : As to the matter being of urgent public importance, there can be no doubt. They were dealt with in this manner because they attended a particular meeting and that is a matter of urgent public importance. As to the fact that if it is said that these people were suspended not because of their attending this particular meeting but on some other ground, then it may be a consideration which will weigh with the Chair. But the facts are admitted I submit.

Mr. President (The Honourable Sir Abdur Rahim) : If you produce some communication or communiqué from the Government or some order showing that they were suspended on that ground, i.e., for attending a particular meeting, of course I can accept that as evidence. In Volume III, Part VII, Legislative Assembly Debates, page 4680, it has been ruled :

"The Associated Press is a private organization as far as we are concerned, and unless it is made the channel of communication for some official statement which has been made either here or in England, I do not think I can regard that as authentic. I am afraid that whatever the Honourable Member propose, to do, I cannot rely on the newspapers for a purpose of this kind."

Then, the President goes on :

"The Honourable Member does not appear to have supplied me with any new information. The point at issue is this. We have already discussed fully the position of Indians in Kenya. The message which the Government of India transmitted to the Home Government conveyed the considered opinion of this Assembly on that subject, and the only means by which a motion for adjournment could be taken this afternoon would be some authentic official information regarding a new development of grave significance which had not been discussed before. Now, I am afraid I cannot accept two private telegrams as a proof of that grave development."

Pandit Govind Ballabh Pant : Now, Sir, we are on the horns of a dilemma. If we do not put in an adjournment motion the day it appears in the Press, it would be ruled out as not being of urgent importance because of our failure to notify it on the day it appears in the Press. Of course nobody can get any first-hand information. We have to rely on the Press report. Therefore, we can give notice of the motion only on the very day we see it in the newspapers.

Mr. President (The Honourable Sir Abdur Rahim) : I do not think it has ever been ruled out, because notice was not given on the very day it appeared in the Press.

Pandit Govind Ballabh Pant : If I may respectfully submit, even the Chair here has ruled out such motions because the news appeared in the Press the day before.

Mr. President (The Honourable Sir Abdur Rahim) : You mean when notice was given some days after the occurrence.

Pandit Govind Ballabh Pant : In this case the matter is of urgent public importance. I know it for a fact that the Patwaris and other Government servants have been used for convening meetings on behalf of the National Agriculturist Party.

The Honourable Sir Henry Craik : I deny that.

Pandit Govind Ballabh Pant : The Patwaris are engaged for taking the villagers to these meetings addressed by the leaders of the National Agriculturist Party. I would submit that the allegation which we, on this side, make is more authentic than the one proceeding from the other side.

Mr. President (The Honourable Sir Abdur Rahim) : They have been suspended for attending election meetings ?

Pandit Govind Ballabh Pant : I frankly confess that we have not seen the original order. Our information is derived from what has appeared in the papers. After that we wired to the local people in order to ascertain whether it is true and they have informed us that it is true. We wanted full details from them and they have sent this to us. You can see that we the non-officials cannot possibly get hold of the orders of the officials and if these unfortunate Patwaris were themselves to hand over copies of the order to us they would perhaps be landing themselves in much greater difficulties than they are involved in at present.

Mr. President (The Honourable Sir Abdur Rahim) : If the facts were admitted there would be no difficulty but I have to accept the Honourable the Home Member's statement that these men were suspended, or at any rate some of them were suspended, for absenting themselves from duty.

Pandit Govind Ballabh Pant : Sir, may I respectfully submit that the Honourable the Home Member may be asked to produce the order that has been issued by Government or by their subordinate officer ?

The Honourable Sir Henry Craik : I said there was no order by Government.

Pandit Govind Ballabh Pant : Sir, these are the facts admitted ; one, that 11 Patwaris and two peons have been suspended. Secondly, that they were suspended after Pandit Jawaharlal's meeting. Thirdly, they were suspended because of the suspicion that they had probably attended such a meeting. (Cries of "No, not at all" from Government Benches.) What the Home Member said was that their suspension was not primarily due to their taking part in this meeting but.....

The Honourable Sir Nripendra Sircar (Leader of the House) : He did not say that.

Pandit Govind Ballabh Pant : I would request the Honourable the Law Member to trust his colleague's intelligence to that extent that he cannot forget what he stated just a minute before. I remember him saying that it was not primarily due to this. If he says he did not, I will stand corrected.

The Honourable Sir Henry Craik : I said that the cause of their suspension was primarily absence from duty without leave.

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Pandit Govind Ballabh Pant : Primarily it was absence from duty but there was something else besides that which also had a bearing. I want Government to accept one of two positions, and if they do that we will not press the motion. Either they say that Government servants should be free to attend all meetings addressed by all parties.....

The Honourable Sir Henry Craik : Sir, on a point of order, I submit that the Honourable Member is arguing on the merits of the question which has not yet been admitted.

Pandit Govind Ballabh Pant : I am not arguing on the merits ; I am trying to curtail discussion.

Mr. President (The Honourable Sir Abdur Rahim) : As a matter of fact, discussion on the subject of Government servants interfering in elections has gone on for three days. All that I have got to see is this. Is there authentic information before me that they have been suspended for attending an election meeting ? All that is admitted by Government is,—they have official information, I take it,—that they have been suspended because they were absent from duty. That is primarily, I understand, to be the ground on which they were suspended. If the Honourable Member can adduce some authentic official information tomorrow that they have been suspended for attending an election meeting, I will accept that as good evidence. But I do not say I will admit the motion if it is inadmissible on other grounds.

Pandit Krishna Kant Malaviya (Benares and Gorakhpur Division : Non-Muhammadan Rural) : Sir, may I respectfully submit that absence from duty in the case of Patwaris has no meaning, because.....

Mr. President (The Honourable Sir Abdur Rahim) : I cannot allow a matter like that to be argued.

STATEMENT RE PROGRESS OF RURAL DEVELOPMENT SCHEMES.

The Honourable Sir James Grigg (Finance Member) : Sir, I lay on the table a statement showing the progress of the schemes financed from the Government of India grant for rural development in 1935-36.

REPORT ON THE PROGRESS OF THE SCHEMES FINANCED FROM THE GOVERNMENT OF INDIA GRANT FOR RURAL DEVELOPMENT IN 1935-36.

In the Statement regarding the Government of India grant for rural development in 1935-36 laid before the Legislative Assembly on the 6th September 1935 it was stated that a further report as to the actual progress of the schemes would be laid before the House in due course. The Statement below shows the progress reported by the Provinces up to the end of June 1936 generally but in some cases up to slightly different dates.

PROGRESS OF RURAL DEVELOPMENT SCHEMES.

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	Allotments from the Government of India grant.	Expenditure up to 30th June 1936.
	Rs.	Rs.
1. Village communications	4,47,540	2,27,000
2. Rural water supply	5,26,810	50,000
3. Rural sanitation including a Health Unit scheme	3,00,000	74,000
4. Anti-malarial operations	50,000	31,000
5. Discretionary grants by Collectors	48,650	38,000
	<u>13,73,000</u>	<u>4,20,000</u>

Allotments transferred to Orissa—

1. Village communications	2,460
2. Rural water supply	23,190
3. Discretionary grants by Collectors	1,350
	<u>27,000</u>
Total	<u>14,00,000</u>

2. The amounts actually distributed under the various heads and the details of expenditure met out of them are as follows :—

Village communications :—

The distribution of the allotment is as follows :—

	Rs.
District boards for expenditure in areas other than those within the jurisdiction of non-union Panchayat Boards	2,95,520
Amount placed at the disposal of the Inspector of Municipal Councils and Local Boards for expenditure in non-union Panchayat areas	1,50,000
Valparai Panchayat Board	1,000
Amount undistributed	1,020
	<u>4,47,540</u>

The District Boards have spent up to 30th June 1936 a sum of Rs. 1,44,000 and the Inspector of Municipal Councils and Local Boards Rs. 83,000.

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Full grants have been made in areas other than Panchayat (non-union) areas for 182 road works besides numerous bridges and culverts over irrigation and drainage channels, and in Panchayat (non-union) areas for 133 works of which 107 relate to road works and the remainder to the construction of culverts and bridges.

Reports from district officers show that new roads have been made to connect important villages with each other and with railway stations and trunk roads. In several districts these roads have opened up the interior where difficulties have hitherto been felt by agriculturists for want of proper roads especially in the rainy season. The construction of culverts over irrigation and drainage channels has greatly facilitated the transport of agricultural produce from the fields to the villages and from the villages to the trading centres. The value of these roads and bridges is so much appreciated by the public that in some cases they have volunteered labour and free gifts of land.

3. Rural water supply.—

The allotments are as follows :—

	Rs.
(1) For protected water supply schemes in the Nilgiris, Coimbatore, Madura and Kurnool Districts	63,205
(2) For rural water supply works. (Through the Presidents of District Boards for expenditure in areas other than those within the jurisdiction of non-union Panchayat Boards)	4,10,771
(3) Through the Inspector of Municipal Councils and Local Boards for expenditure in non-union Panchayat areas	40,415
(4) Amount sanctioned for expenditure in Agency areas	10,982
(5) Amount kept in reserve to meet unforeseen expenditure	2,027
	5,26,810

Presidents of District Boards have spent up to 30th June 1936 a sum of about Rs. 50,000. The Inspector of Municipal Councils and Local Boards had not actually spent any of the money placed at his disposal up to 30th June 1936. He has however stated that many of the works are under execution. The delay is due to the fact that the funds were placed at his disposal late in last year and the preliminaries to the actual execution of the works could not be completed in time to enable any grants to be drawn before 30th June 1936.

The progress in the execution of the rural water supply works has been slow. This is largely accounted for by heavy rains in some of the districts and the consequent rise in sub-soil water and the difficulties in obtaining a certificate from the District Board Engineer before execution as to the availability of water at the site selected. (This has been imposed as a condition to guard against unprofitable outlay.)

4. Full grants have been made for the construction of about 650 drinking water wells in areas other than Panchayat (non-union) areas

PROGRESS OF RURAL DEVELOPMENT SCHEMES.

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and for about 75 wells in Panchayat (non-union) areas. About 100 wells have so far been completed or are nearing completion. These wells have been sunk in places where the need for good drinking water has been keenly felt and the wells are open to all classes of people. Parapet and side wells, platforms, etc., and baling arrangements, wherever necessary, are being put up. These works supply a real need in villages and afford great relief to the rural population.

Protected Water Supply Schemes.—

The grant was allotted for expenditure on the following schemes :—

	Rs.
1. Nilgiris District :	
Kadanadu water supply scheme	1,400
Thuneri water supply scheme	4,980
Kodamalai water supply scheme	3,750
Porthi water supply scheme	1,900
Devarshola Bazar water supply scheme	1,800
Davani water supply scheme	2,460
Gudalur water supply scheme	4,625
Kotagiri water supply scheme	4,960
2. Coimbatore District :	4,930
Dhaliyur water supply scheme	
3. Madura District :	28,000
Avanipuram water supply scheme	
4. Kurnool District :	4,400
Hosur water supply scheme	
	63,205

Of these 11 schemes, six schemes are under execution and three have been dropped as not suitable for execution. Two schemes have not yet been taken up.

Rural Sanitation.—

The amount allotted has been distributed as follows :—

	Rs.
Provision of bore-hole latrines in rural areas	2,75,000
Poonamallee Health Unit Scheme	25,000
	3,00,000

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Scheme for the provision of bore-hole latrines in rural areas.

This scheme provides for—

- (1) The construction of two public latrines in each village.
- (2) For the supply of concrete slabs at half cost and the free supply of borers necessary for installing private latrines in a few houses in each village, subject to the condition that the house-owner finds funds for the enclosure, labour for boring and construction and the other half of the cost of the slabs.

The scheme has been put in operation in a selected taluk in each District Board area and is under the control of the Director of Public Health.

A sum of Rs. 58,800 has been spent on the scheme up to 30th June 1936 and 1,073 public and 2,184 private latrines have been constructed so far. The latrines constructed after 1st April 1936 are being provided with zinc sheet enclosures. In many of the districts the scheme is expected to be completed before 31st December 1936.

In places where these latrines have been put up the people have been instructed by means of ordinary and magic lantern lectures as to the dangers of soil pollution and consequent hookworm infection. These latrines are now being more widely used by the rural population, especially by women and are becoming more popular. Some local bodies are already following the example set by Government. They have begun to construct borehole latrines in their areas at their own cost and to employ the scavengers necessary for keeping them clean. A few District Boards are themselves meeting half the cost of the slabs supplied by Government to private houseowners. In the Nilgiris District some of the estates are manufacturing their own slabs and constructing bore hole latrines in their estates for the use of their labourers.

Poonamallee Health Unit Scheme.—

This is an experimental scheme of intensive health work, carried out in a selected area of 25 square miles in Sreeperumbudur Taluk in the Chingleput District, with Poonamallee as the headquarters, with a view to demonstrating what can be done for the health and welfare of the rural population by a well organised public health effort and thus stimulate the health consciousness of the masses. This scheme is also intended to afford facilities for training workers in all aspects of public health. The estimated cost of the scheme for a period of 18 months is Rs. 41,700 and the sum allotted for expenditure on it from the Government of India grant is Rs. 25,000, the balance being met from a contribution by the Rockefeller Foundation.

The Health Unit is under the charge of a First Class Health Officer. The whole of the Health Unit area has been divided into four ranges each with a staff of one health inspector, one health visitor, two midwives and two female attendants. Besides the above staff, a clerk, an attendant and ten peons are employed in the Health Unit as a whole.

The Public Health staff of the Health Unit attend to the following matters—

(a) Administration.—

- (1) Vital Statistics.
- (2) Health Education.
- (3) Supervision.

(b) Hygiene.—

- (1) Ante-natal.
- (2) Natal and post-natal.
- (3) Infant and child of pre-school age.
- (4) Child of school age.
- (5) Adult.
- (6) Industrial, domestic and social hygiene.

(c) Sanitation.—

- (1) Water supply.
- (2) Drainage.
- (3) Conservancy.
 - (i) Rubbish and manure.
 - (ii) Nightsoil.
 - (iii) Provision of latrines.
- (4) Nutrition and food supply.
- (5) Housing.
- (6) Dangerous and offensive trades.
- (7) Control of animals and their sheds.
- (8) Disposal of dead.

(d) Control of communicable diseases.—

- (1) Notification.
- (2) Epidemiological investigations.
- (3) Vaccination and preventive inoculation.
- (4) Malaria control.
- (5) Special campaigns, such as hookworm, filariasis, leprosy, tuberculosis and venereal diseases.

(e) Laboratory work.—

An advisory committee consisting of the Revenue Divisional Officer, a representative of the Rockefeller Foundation, a representative of the District Board, the Presidents of the Panchayats in the Health Unit area and a representative from each of the non-panchayat villages has been constituted. The Revenue Divisional Officer is the President of the Committee and the Health Officer, the Secretary. The work of the committee is of an advisory nature. It meets once every quarter.

The actual work of the Health Unit was started on 4th October 1935. The activities of the Health Unit for the first nine months are summarised below.

Vital Statistics.—

During the nine months of the working of the scheme 1,338 births and 920 deaths have been registered as against 1,044 births and 758 deaths for the corresponding period during the previous year.

House Survey.—

House surveys are being carried out with the object of getting as much information as possible about the houses and their occupants. The health inspectors have surveyed all the 8,017 houses in the Health Unit area. They are now going over the same houses advising the people to carry out improvements, especially in the matter of removal of rubbish accumulated in the backyards.

Health Education.—

Health inspectors have been giving magic lantern and Cinema lectures in different parts of the Health Unit on the various subjects with the object of educating the public. The Health staff has also been holding personal talks with the public whenever possible. In all they have delivered 148 magic lantern lectures, 6 cinema lectures and 55 lectures without magic lanterns. They have also conducted 63 school talks, 705 village talks and 31 radio performances.

Vaccination and anti-cholera inoculation.—

In all 911 primary vaccinations and 2,852 re-vaccinations have been conducted by the public health staff of the Health Unit. 5,361 anti-cholera inoculations have also been conducted in the Health Unit.

Maternity and Childwelfare.—

Health visitors and midwives attend to home visits and conduct labour cases. So far they have conducted 614 labour cases, assisted 96 delivery cases, and have made 4,658 ante-natal and 4,303 post-natal visits and have visited 90 expectant mothers, 1,969 infants, and 1,059 children of pre-school age. They have delivered 6 lectures and have conducted 40 ante-natal and infant clinics, besides 15,014 home visits to advise women in their houses. The clinics were mostly attended to by the Assistant Directress of Public Health (Maternity and Childwelfare). The people have begun to appreciate the work of these health visitors and midwives.

School Hygiene.—

In all 1,603 school children have been examined.

Water supply.—

With a view to improving the water supply of the Health Unit, 14 samples of water taken from different sources in the Health Unit were sent to the King Institute, Guindy, for chemical and bacteriological examination. As all the samples were found unsatisfactory, the question of improving the water supply in the Health Unit by means of sinking bore wells is under consideration. The Chingleput District Board and a Panchayat have made a contribution of Rs. 5,250 for the purpose.

Hookworm.—

The investigation regarding hookworm was started during the second quarter, with a view to suggesting mass hookworm treatment. In all, 545 samples of motions have been examined so far, with positive results in about 78 per cent. This examination is not yet complete.

Epidemic Diseases.—

There were occasional outbreaks of small-pox and cholera. In all, there were 77 attacks and 20 deaths from small-pox and 154 attacks and 60 deaths from cholera. The existence of the public health staff of the Health Unit was useful in detecting the cases early and attending to them daily—a task which is not possible for the ordinary district health staff.

General Sanitation.—

The public health staff of the Health Unit has taken over the supervision of the conservancy section of the Panchayat areas in the Health Unit.

A sum of Rs. 1,500 has been allotted for expenditure on the construction of private and public borehole latrines in the Health Unit from the allotment for the construction of borehole latrines.

The public health staff of the Health Unit also act as advisers in the matter of licensable trades.

There were some minor festivals in the villages of the Health Unit. The necessary sanitary arrangements for these festivals were looked after by the Public Health staff of the Health Unit.

General.—

Except for a few cases of cholera and small-pox, the public health of the Health Unit was quite satisfactory.

A batch of five students of the B. S. Sc. and Health Officers classes were deputed by the Professor of Hygiene, Medical College, Madras, to undergo a course of demonstration in the Health Unit. This method of training is likely to be useful when all the activities of the Health Unit are in full swing. The question of appointing a woman medical officer for the Health Unit is under the consideration of the Madras Government.

Expenditure.—

A sum of about Rs. 15,000 has been spent on the scheme from the Government of India grant during the first nine months of the working of the scheme.

The Government of India have agreed to the continuance of the Health Unit for a further period of 4 years from 31st March 1937 on a contributory basis.

Discretionary grants by Collectors.—

The sum of Rs. 48,650 allotted for expenditure under this head has been distributed to the Collectors of districts at the rate of Rs. 2,000 each. They have spent Rs. 38,000 up to 30th June 1936.

The Collectors have spent the grants mostly on sinking wells for drinking water in places where they are badly needed, improving and deepening tanks, improving cattle ponds, constructing culverts and foot bridges, providing playgrounds and burial grounds and in providing relief for persons who have lost their possessions from fire accidents.

Anti-malarial Operations.—

The sum of Rs. 50,000 allotted for the above purpose has been distributed for expenditure on the various schemes as detailed below :—

1. Construction of sub-soil and open drainage at Chintapalli, Gudem Taluk and Vizagapatam Agency	13,000
2. Construction of sub-soil drainage at Gudalur in the Nilgiris District	13,000
3. Anti-malarial operations in the Rameswaram Island in the Ramnad District	6,000
4. Anti-malarial operations in the coastal area from Ennore to Madras, Sriharikota Island and Gudur Taluk, Nellore District	18,000
Total	50,000

A sum of Rs. 31,000 has been spent on the schemes up to 30th June 1936 and the Director of Public Health who is controlling the schemes has reported that all of them will be completed by August 1936.

BOMBAY.

	Allotments from the Government of India grant.	Expenditure up to 30th June 1936.
(1) Agricultural schemes including Animal Husbandry	1,27,024	51,240
(2) Industrial schemes	19,636	6,787
(3) Public Health and Sanitation	37,065	17,155
(4) Rural water supply	26,701	12,125
(5) Village communications	20,989	14,299
(6) Education	29,618	16,284
(7) Propaganda in the districts	42,646	9,615
(8) Special agricultural and industrial schemes	94,900	13,234
(9) Miscellaneous	32,029	
Unallotted reserve	1,31,392	
Allotment for Sind	5,62,000	1,54,204
.. .. .	1,38,000	
.. .. .	7,00,000	1,54,204

(1) *Agricultural schemes including Animal Husbandry.*—These schemes were formulated by the district authorities to suit local conditions. They cover a large number of useful objects, such as improvement of the quality of cotton, paddy and bajri seeds, improvement of sugarcane, introduction of up-to-date agricultural implements and construction of manure pits. In certain centres attention has been concentrated on cattle breeding and improvement in the breed of goats. Among the many

Miscellaneous objects on which the grant is expended may be mentioned bunding, pig-killing and egg sale societies. Kamgars have been appointed for the collection and distribution of improved varieties of rice strains. A large quantity of Java sugarcane has been distributed in the central and western parts of the Dharwar District with a condition in certain cases that the recipients should return an equal number of sets of the cane supplied to them with an additional 25 per cent. at the harvest—this arrangement being devised for the more rapid spread of cultivation of the improved variety all over the tract. A beginning has been made with the Belgaum District by deputing a trained mason employed by the Agricultural Department to popularise the Poona furnace for gur boiling in the western part of the district, where sugarcane is grown on an extensive scale and applications from cultivators for the construction of such furnaces have begun to be received. Leghorn and Rhode Island fowls and eggs have been distributed to some villagers and a beginning has been made in the Kolaba District by opening poultry farms. A central poultry farm has been opened under the supervision of the Wilson Anti-Famine Institute in Bijaour.

(2) *Industrial Schemes.*—Advances to weavers and the purchase of sewing machines, etc., to start sewing and knitting classes represent the bulk of the expenditure. A school for the introduction of improved methods of wool-carding and weaving has been opened at Darga in Bijapur under the supervision of the Department of Industries and boys of the shepherd class, which forms about one-eighth of the total population of the district, are admitted to the school. Deserving students are each given a monthly stipend of Rs. 6 for the whole course of six months and a loan of Rs. 64 for the purchase of appliances. A handloom weaving school has been opened at Dandur in the Dharwar District.

(3) *Public Health and Sanitation.*—The schemes under this head comprise purchase of medicine chests, campaign against guinea worm, baby shows, nurseries, improvement of the conditions of midwifery and propaganda of knowledge of first aid. So far 50 medicine boxes have been purchased. Rs. 4,000 has been spent on the campaign against guinea worm. Eighteen earth augers have been purchased for boring latrine holes. 250 booklets on first aid were purchased for distribution. 24 baby shows were held and 11 dais were trained. Four village dispensaries have been opened and grants given in deserving cases towards the pay and travelling allowances of doctors and lady visitors.

(4) *Rural water supply.*—The expenditure on rural water supply was mainly concentrated on the construction and deepening of wells. Step wells wherever possible have been converted into draw wells, mainly with a view to combat guinea worm which prevails in certain parts of the Presidency. About 30 step wells have so far been converted into draw wells, four were repaired and 15 new ones constructed. Water supply has been improved in three villages at a cost of about Rs. 2,000, while in certain other places water troughs and "Ovara" have been built.

(5) *Village communications.*—Construction and repairing of roads and gutters in addition to bridges over nallas and stone pavements, where road conditions were miserably bad, account for the expenditure so far. It is noteworthy that in Kolaba where interior communications are not satisfactory villagers are being encouraged to construct approach roads by voluntary labour and this measure has met with considerable success.

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(6) *Education.*—The Government of India's grant has been mainly utilised for opening 195 night schools and constructing school buildings in 9 cases. Touring libraries have been started and grants have been given to 45 of them. Books were also purchased and distributed for village libraries and grants made in deserving cases for literacy schemes, boy scouts, girl guides and training colleges.

(7) *Propaganda in the Districts.*—Propaganda work has been mainly concentrated on training classes for rural workers, magic lanterns and slides, gramophones and leaflets and posters on various subjects such as tree and mango planting, trench latrines, and cattle diseases. In certain cases village improvement photographs have been taken and published in local papers. A few publicity vans have been purchased to facilitate the dissemination of instructive matter pertaining to rural hygiene.

(8) *Special Agricultural and Industrial Schemes.*—These include village tanning industry, inland fisheries, improvement of buffalo and its milk supply, poultry in villages (with special stress on the encouragement of pedigree poultry keeping) and co-operative egg collecting, grading and marketing. The idea of the latter scheme is to show cultivators how by co-operation and early marketing of eggs they can be considerably benefited. One kamgar trained at the Government Central Poultry Farm has been deputed to assist villagers in this direction. It may be added that the custom of the Royal Bombay Yacht Club has been secured for the purchase of eggs.

BENGAL.

	Allotments from the Government of India grant. Rs.	Expenditure up to May 1936. Rs.
(1) Establishment of seed, paddy and crop demonstration centres, etc.	1,09,000	3,400
(2) Improvement of cattle, etc.	1,75,000	17,000
(3) Improvement of poultry	500	..
(4) Propaganda in the districts	20,000	..
(5) Wireless transmission in Midnapore District	17,000	..
(6) Improved marketing of Jute and Paddy	50,000	9,000
(7) Coir spinning and weaving	40,700	..
(8) Union Board dispensaries and improvement of water supply	3,84,000	1,45,000
(9) Agricultural farms attached to secondary schools, etc.	1,80,000	1,75,000
(10) Boy Scouts, Girl Guides and Bratachari	20,000	2,000
(11) Minor drainage and flushing schemes	3,03,000	19,000
(12) Chittagong Hill Tracts	30,000	89,000
(13) Discretionary grants	2,05,800	11,000
(14) Grant to Sriniketan	11,000	49,000
(15) Grant for school play-grounds	49,000	..
Unallotted	5,000	..
	16,00,000	5,59,400

PROGRESS OF RURAL DEVELOPMENT SCHEMES.

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(1) *Scheme for establishment of seed, paddy and crop demonstration centres.*—400 centres have been started as provided for in the scheme. Cultivation of different crops is in progress in some and in others land is being prepared and manured.

(2) *Improvement of cattle and fodder crops.*—Ten temporary veterinary officers were appointed from the 1st April 1936 and after a short course of instruction at the Dacca Farm were posted to the several districts where they are carrying out propaganda regarding the improvement of live-stock and making arrangements for the transit of bulls from railway stations to the recipients. Seven hundred and three scrub bulls were castrated during the month of May. Napier grass cuttings and roots were supplied in areas where the rainfall was sufficient for the improvement of fodder crops.

(3) *Improvement of poultry.*—Nothing was spent up to the end of May 1936. Since then 29 cockerels have been issued to villagers and the Live Stock Officers and the Veterinary Assistants are advising the cultivators in the proper methods of poultry keeping.

(4) *Propaganda in the Districts.*—Loudspeakers and gramophones have been purchased and despatched to the District Officers and the bills are awaited. Special gramophone records are also under preparation and are expected shortly.

(5) *Wireless transmission in Midnapore.*—It has been decided that the expenditure will in the first instance be incurred by All-India Radio who have been entrusted with the installation and the maintenance of the sets and that the expenditure actually incurred will be adjusted in due course. The Station Director, Calcutta, has been asked to arrange for the adjustment of the charges.

Receiving sets were installed in certain villages in Midnapore and the scheme worked for two months during April and May, 1936. It will again be started in November, 1936.

(6) *Improved marketing of jute and paddy.*—No expenditure has been incurred on this scheme up to date as it has not taken final shape yet.

(7) *Coir Spinning and Weaving.*—The expenditure up to the end of May 1936 has been about Rs. 9,000. A number of centres were selected for holding demonstrations by the 4 demonstration parties established under the scheme in consultation with the Collectors of the Districts of 24-Parganas, Midnapore, Noakhali and Bakarganj. The work in the first centre in each of the above districts which was started in February last is expected to be completed by the end of August next.

(8) *Union Board Dispensaries and improvement of water-supply.*—A sum of Rs. 1,45,000 has been spent up to the end of May 1936. The scheme provides for the establishment of Union Board Dispensaries in 24 Districts and the following water-supply projects in 25 Districts :—

Tanks	..	..	..	..	..	32
Ring wells	..	..	..	..	..	213
Masonry wells	..	..	..	..	..	45
Tube wells	..	..	..	..	..	819

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(9) *Attachment of Agricultural farms, etc., to secondary schools and provision of play grounds and village halls.*—The total expenditure up to the end of May, 1936 is Rs. 1,75,000. The scheme has been almost completed.

(10) *Boy Scouts, Girl Guides and Bratachari.*—The whole of the sanctioned allotment of Rs. 20,000 was spent by the end of the year 1935-36.

(11) *Minor Drainage and flushing schemes.*—The actual expenditure up to the end of May, 1936 was Rs. 22,000.

Progress of expenditure during the current year is likely to be more rapid now as the work of the special Engineer Officer entrusted with the preparation of the details of the several small schemes is nearing completion.

(12) *Chittagong Hill Tracts.*—The actual expenditure up to the end of June, 1936 amounted to Rs. 18,804 as detailed below :—

Schemes.	Sanctioned allotment.	Expenditure up to 30th June 1936.
	Rs.	Rs.
(1) Rural water supply	12,500	10,567
(2) Rangamati Water Supply Scheme	5,000	5,000
(3) Clearing rivers of snags	5,000	..
(4) Bridges and Communications	3,500	1,080
(5) Draining of dhebas	3,000	1,576
(6) Agricultural and Industrial Development	1,000	581
Total	30,000	18,804

The works which could not be taken up owing to the early monsoon are expected to be completed during the next cold weather.

(13) *Discretionary grants to Commissioners and District Officers.*—The expenditure up to the end of June 1936 amounted to Rs. 89,270 as detailed below :—

	Expenditure up to 30th June 1936.
	Rs.
1. Grants for water supply	18,687
2. Grants to dispensaries for medical appliances, repairs to dispensary buildings, etc.	17,685
3. Grants for the construction of roads, bridges and improvement of communications	3,345
4. Grants to weaving and industrial institutes, exhibition committees, etc.	4,566
5. Grants to schools for purchase of books and furniture and repairs to school buildings and for play-grounds	9,728
6. Grants to clubs and associations for bookssports equipment, etc.	1,493

PROGRESS OF RURAL DEVELOPMENT SCHEMES.

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	Expenditure up to 30th June 1936.
	Rs.
7. Grants to Boy Scouts and Girl Guides Organizations and Bratachari Societies	4,066
8. Grants for improvement of village sanitation	6,192
9. Grants to public libraries	1,380
10. Grants to Drainage and Irrigation schemes	9,825
11. Grants for radio sets	5,774
12. Grants for breeding bulls, improvement of agriculture, etc.	5,944
13. Grants to leprosy clinics	460
14. Grants to Veterinary hospitals, cremation ground, St. John Ambulance and Presidents of Union Boards for helping Village reconstruction, etc.	220
Total	89,270

(14) *Grant to Sriniketan.*—A grant of Rs. 11,000 out of the unspent balance of the original allotment of Rs. 82,000 for rural broadcasting in Midnapore has been made to the Sriniketan Society for the establishment of five village health societies.

(15) *Grant for school play grounds.*—An allotment of Rs. 49,000 has been made (with the approval of the Government of India) out of the unspent balance of the original allotment of Rs. 82,000 for rural broadcasting in Midnapore for play grounds for secondary schools spread over all the districts. Actual expenditure has not yet been incurred as details are now under consideration.

UNITED PROVINCES.

	Allotments from the Government of India grant.	Expenditure up to 31st March 1936.
	Rs.	Rs.
1. Main scheme	7,00,000	59,500
2. Agricultural schemes	3,28,000	28,000
3. Public Health schemes	3,16,000	54,500
4. Industrial schemes	70,000	3,000
5. Publicity schemes	36,000	..
6. Kumaun schemes	50,000	5,000
	15,00,000	1,50,000

The rural development schemes of the United Provinces Government are in three parts: the main scheme, departmental schemes and the Kumaun Scheme. They have been in force since October 1935. These three schemes are parts of a unitary and comprehensive scheme of rural development which is in operation in the 48 districts of these

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provinces. The departmental schemes are certain special schemes which are worked in close association with the main scheme. They supplement the local efforts and resources under the main scheme and primarily benefit the areas selected for development. The Kumaun scheme meets the special needs of the three hill districts.

Main Scheme.

2. Under the main scheme 270 rural development circles have been established in the province. Each circle comprises a group of twelve villages. A resident organizer is stationed in the central village of a circle. A village organization has been set up in each village and there is in each district a rural development association. This consists partly of zamindars and other non-official gentlemen interested in rural welfare and partly of the local officers of the different departments of Government so as to co-ordinate the various activities for effecting improvements in the rural areas. A discretionary grant of Rs. 5,000 a year has been allotted to each district officer. This grant is to be expended by him on objects of public utility in the rural development circles of his district and is to be given on a contributory basis in accordance with local needs and requirements. An officer has been placed on special duty to supervise the working of the whole scheme. Educational propaganda is being carried on by holding fairs and exhibitions for farmers. A feature of these exhibitions is that all the departments co-operate in running it and they are thoroughly practical in nature. During the comparatively short period of the operation of this scheme encouraging and satisfactory progress has been made. It has to a large extent succeeded in securing concentration of work, co-ordination of different activities, and a balanced all-round development of village life; the sanitary, the cultural and the economic aspects have all been taken up together and tackled fairly effectively.

3. As a result, local apathy and fatalistic resignation have given place in many areas to active interest and there is a stir and a new note of hope. Agricultural improvements have received fresh impetus, demand for improved seeds is growing, demonstration plots are being opened in the village centres, seed unions are being formed, better agricultural methods and practices are being adopted and cattle breeding is being taken up with earnestness. A concentrated drive is being made for improving rural sanitation and hygiene. Without forcing anything from above, villagers are taking up such items of work as pitting the manure outside the village, constructing soakage pits, improving village water supply, general sanitation and clean houses. Cultural improvements have received equal attention. Considerable zeal has been displayed everywhere in the development of village games and sports, opening of night schools and village libraries and training of adult scouts for social service. This has the effect of making village life more interesting and this in turn stimulates a desire for improvement in other directions. More encouraging are the signs of a corporate spirit of self-help and the particular instances in which the villagers have been able to carry out improvements for the benefit of the village. Such instances are the improvement of communications, eradication of pests, settlement of disputes, co-operative distribution of water for irrigation purposes and opening of educational classes.

Agricultural Schemes.

4. *Well-boring.*—In areas which still remain unserved by canals and tube-wells, irrigation facilities have been provided by undertaking boring operations within existing wells of the ordinary type. Under this scheme 2,250 wells will be sunk and nearly one-third of this number have been repaired so far. In each case two-thirds of the cost of boring has been met by the owner of the well.

5. *Embankments and Reservoirs.*—Another source of increasing the water-supply for irrigation purposes is by the construction of small village reservoirs or embankments. This work is concentrated in the eastern districts of the province and in Bundelkhand. Survey work in this connexion has been completed and several embankments are under construction. A 50 H. P. tractor and the necessary ploughs have been purchased for construction work. In this scheme also the villagers meet a part of the cost, mostly in labour.

6. *Fruit culture.*—In twelve selected districts of the province fruit culture has been organized on an extensive scale in the rural development circles. Fruit plants and seeds have been supplied to 720 villages; the work of planting is nearing completion.

7. *Goat and poultry breeding.*—A special scheme for the improvement of goats and poultry is in force. Fifteen stud bucks for breeding village goats, in addition to two Jamunapari and one Bar-Bari buck, have been placed at five different centres. Several successful goat shows have been held, at which 214 goats were exhibited; there were 189 exhibitors from 36 villages. Two poultry farms have been opened. 20 pure bred utility White Leghorns have been placed at one farm, 20 pure bred utility Rhode Island Reds at the other. An all-metal poultry house has been erected at each of these centres.

Public Health Schemes.

8. *Village medicine chests.*—Nearly 3,000 villages have been supplied with village medicine chests. These chests have proved extremely popular and have had to be replenished several times in many places. The supply of medicine chests has made both the workers and the scheme popular with the villagers.

9. *Health Units.*—Nine "Health Units" have been established; each comprising a compact area of about 50 villages. Besides carrying on the general items of health work which include soakage pits, manure pits, ventilators, improvement of water supply, the special features of the health units are the provision of medical relief by means of mobile dispensaries under the charge of medical officers, maternity and child welfare work under the care of health visitors assisted by trained midwives, the training of indigenous dais and general anti-epidemic work such as inoculation and vaccination. Intensive health propaganda has been carried out by lectures, homely talks, magic lanterns and cinema shows and special attention has been paid to the promotion of Junior Red Cross activities in the schools in the Health Unit areas. A number of sanitary schools has been formed in villages for maintaining these activities on a permanent footing.

Industrial Schemes.

10. *Industrial schemes.*—To provide facilities for marketing the products of village cottage industries, 27 subsidised shops have been opened. A new section for the marketing of village products has been opened at the Arts and Crafts Emporium at Lucknow. Besides maintaining a show-room containing a selection of the important products of rural industries, the Emporium does business by buying products from rural areas and supplying them to subsidised shops at wholesale rates.

11. *Co-operative Societies of ghee producers.*—Five supervisors have been appointed to organize co-operative societies of ghee producers and they are doing useful work.

12. *Co-operative Stores.*—Five Co-operative stores have been opened in order to help in the marketing of the products of selected industries. One deals with basket and needle work, another with blanket weaving, a third with mat wicker chairs, durries, etc., a fourth with leather goods and the fifth with durries and brass utensils.

Publicity and Propaganda Schemes.

13. Suitably selected papers and periodicals as well as departmental journals and pamphlets have been broadcast in the 3,000 odd villages included in the rural development scheme as also in other villages. A few posters are being printed. Useful agricultural information dealing with the practical fruits of research is being translated into the vernacular and communicated in simple and homely language to the people in rural areas.

The Kumaun Scheme.

14. Special schemes are in force in the hill districts of Naini Tal, Almora and Garhwal. A lump provision of Rs. 25,000 has been made to Naini Tal and Rs. 12,500 each to Almora and Garhwal to finance certain approved schemes. In the Naini Tal District a scheme costing Rs. 6,500 for pipe water supply for Haldwani has been taken in hand. Twenty-five diggys (water tanks) have been constructed at a total cost of Rs. 10,000. The construction of anti-malaria drains is in progress. In Almora the water supply of ten villages has been improved, an important road has been repaired, a nursery for the supply of seedlings to panchayati forests has been opened and barbed wire has been distributed where necessary. In Garhwal eight bulls have been purchased and are used for the improvement of cattle, a model village has been established and improved seeds have been distributed.

PUNJAB.

	Allotments from the Government of India grant.	Expenditure up to the end of July 1936.
	Rs.	Rs.
1. Consolidation of Holdings	2,01,766	50,000
2. Sanitary improvements in Cujrat District	8,829	6,000
3. Bore-hole latrines in Gurdaspur District	10,000	2,000

PROGRESS OF RURAL DEVELOPMENT SCHEMES.

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	Allotments from the Government of India grant.	Expenditure up to end of July 1936.
	Rs.	Rs.
4. Water-supply schemes	2,25,322	..
5. Serum Cellars	20,225	..
6. Reconstruction of the Veterinary Hospitals in Rohtak District	12,000	6,000
7. Construction of Veterinary Hospitals	60,000	..
8. Broadcasting Scheme	48,040	20,000
9. Tanning Scheme	75,920	18,000
10. Fruit growing	62,000	10,500
11. Well boring	25,898	9,500
12. District Officers' discretionary grants	1,00,000	92,000
Total	8,50,000	2,14,000

Consolidation of holdings.—This work was started by the Co-operative Department in 1921, since when over 600,000 acres have been consolidated with the unanimous consent of all concerned. Last year it was decided to attempt it through the agency of the Revenue Department as well and allotments from the Government of India grant were made to both as follows :—

	Rs.
(a) Co-operative Department	1,51,766
(b) Revenue Department	50,000

A.—Co-operative Department.

The staff sanctioned for the purpose is :—

Inspectors	7
Sub-Inspectors	83

7 Inspectors and 78 Sub-Inspectors have so far been appointed. The full staff will be employed as soon as suitable men can be found and trained.

The total area consolidated so far by this special staff is 25,487 acres and the total expenditure Rs. 36,768, which is less than Rs. 1|8|- per acre as against Rs. 1|11|- for the province as a whole.

A great advance has been made during the last two years in the method of consolidation. Originally consolidation was arranged by exchange of fields. Then came a stage in which all the landowners in a patti or sub-division of a village agreed to consolidate their holdings by reallocation. Now in the Ambala, Jullundur and Hoshiarpur circles consolidation will not be started unless whole villages agree to pool and re-allot the land.

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So successful was consolidation that in 1934-35 1,00,000 fields were reduced to less than 17,000. But the process goes further than mere consolidation of fields. Village roads are straightened and new connecting roads are made, which sometimes include a circular road round the village, on the outside of which each landowner is given a small plot for keeping his manure. If possible, too, spaces are left for a school playground and for a tree nursery. Thus the entire village area may be laid out afresh with the happiest results. New wells are sunk, waste lands are brought under cultivation, litigation about boundaries virtually ceases, production increases, and the benefits are so marked that the villagers are much more ready than they were before to take up other practical forms of rural reconstruction. In fact, where fragmentation is acute, as it is in a large part of the Punjab, it is not too much to say that consolidation of holdings is the starting point of all real rural reconstruction.

B.—Revenue Department.

Work is being undertaken in the Rohtak, Gujrat and Sialkot Districts. Each district has been given a Tahsildar as consolidation officer and two Kanungos and five Patwaris. In Rohtak and Gujrat the work is still in the initial stage of propaganda, but in Sialkot five villages have been consolidated and four more are under consolidation. The work is likely to proceed more rapidly when the Consolidation of Holdings Bill now under consideration is passed. This will make it possible to consolidate holdings when a sufficient majority is in favour of this. At present consent has to be unanimous.

The expenditure incurred so far under this head is Rs. 13,177.

Sanitary improvements in 31 villages in the Gujrat District.—The amount is to be spent on improvements, such as sullage drains, pavements of dry brick on edge, provision of tube-wells for drinking purposes, repairs and roofing of percolation wells in 31 villages in the Gujrat District. The Gujrat District was selected because there are Rural Reconstruction (Dehat Sudhar) Committees in a number of villages there. In 31 villages the committees have agreed to contribute one-third of the cost by way of cash, labour or material. The District Board will also contribute one-third and the balance will be met from the grant of Rs. 8,829.

Work has been completed in seven villages at a cost of Rs. 6,085 and is in progress in seven others.

Bore-hole latrines in the Shakargarh Tahsil of the Gurdaspur District.—Several measures are being carried out in the Gurdaspur District for combating hookworm, a disease which is very prevalent there. One of these is the provision of bore-hole latrines to prevent reinfection from the soil. The latrines are constructed in the courtyards of those who ask for them and for those who have no courtyards community latrines are built (for men and women separately) outside the village. Experience shows that the former are better looked after than the latter. All are periodically inspected by the Epidemiologist to Government, the District Medical Officer of Health and the Officer in charge of the Anti-hookworm Survey, and so far they have led to no nuisance in the shape of flies or

smell. This is because they are bored down to sub-soil water level. They are also kept at least 70 feet from the nearest well or pump to prevent any possible contamination of the drinking water supply.

So far about 1,500 latrines have been made in the district. The work is being done through the District Board, partly with its own funds and partly with the help of the Government of India grant, of which Rs. 2,106 was spent by the end of March.

Water-supply schemes.—The following eight drinking water supply schemes are to be financed from this grant :—

District.	Village.	Estimated cost. Ra.
Kangra	Palampur	21,841
Dera Ghazi Khan	Vehoa	22,000
Shahpur	Jabbi	27,343
Shahpur	Choha	30,666
Mianwali	Burekbel	22,583
Mianwali	Sanwans	8,401
Dera Ghazi Khan	Sakhi Sarwar	36,008
Jhelum	Toba Saroya and Athar	48,076
	Reserve	8,404
	Total	2,25,322

So far only a few hundred rupees have been spent on survey work. This is because the schemes are to be executed through the Public Works Department and unexpected difficulties arose over their departmental charges. It has now been finally decided that no charge shall be made.

Serum Cellars.—The object is to improve the distribution of sera and vaccines required for dealing with an out-break of contagious diseases. This will be done by increasing the number of serum cellars or storage depots, which at present is very limited.

No expenditure has been incurred so far, but the places where serum cellars are to be constructed have been selected and a suitable plan has been approved for general adoption throughout the province.

Reconstruction of the Veterinary Hospital at Rohtak.—The hospital was destroyed during the floods of September 1933.

The work is in hand and Rs. 5,938 have been spent.

Construction of 10 Veterinary Hospitals.—It has been decided to construct veterinary hospitals at the following places :—

Place.	District.
Ratia	Hissar.
Farrukhnagar	Gurgaon.
Puna Hana	Gurgaon.
Ganaur	Rohtak.

Place.	District.
Dina	Jhelum.
Karor	Muzaffargarh.
Kotmomin	Shahpur.
Dajal	D. G. Khan.
Chakrala	Mianwali.

Sanction to the construction of buildings at Ratia, Ganaur, Dina, Karor, Kotmomin and Chakrala has been accorded. Steps are being taken to expedite the submission of the plans and estimates of the remaining projects.

Broadcasting Scheme.—The amount is to be spent mainly on buying and servicing receivers to be used in villages in the Ambala Division within 80 miles of Delhi. A small amount has been reserved for improving the rural side of the Delhi programme.

Rs. 19,881 has been spent and 14 receiving sets have been installed in villages in the following districts :—

Gurgaon	4
Karnal	4
Rohtak	6

As a result a co-operative Better Living Society has been started in each of the four Gurgaon villages. The rural programme lasts an hour every evening and consists of music interspersed with educative 'talks'. From April 1 to July 25, 99 talks were given as follows :—

Health	39
Agriculture	12
Veterinary	8
Co-operation	7
Social Reform	18
Education	15
	99

The music was at first of too urban a character for village taste. This is being rectified.

Tanning Scheme.—The scheme consists of two parts :—

(a) The establishment of a central tanning institute for imparting training in improved methods of tanning to *chamars* drawn from all over the province and to a certain number of educated persons.

(b) Two travelling demonstration parties in order to give demonstrations and training in improved methods of tanning to *chamars* and tanners.

With regard to (a) it has been decided to locate the central tanning Institute at Jullundur. Land has been acquired for Rs. 5,366. Rs. 23,000

has been allotted for buildings and machinery worth Rs. 12,000 has been ordered, of which Rs. 2,080 has been paid on account. A Research Assistant has been appointed to investigate the improvement of the existing tanning materials as they are not giving satisfactory results.

With regard to (b) Rs. 10,761 has so far been spent on two travelling demonstration parties—one in the western Punjab at Multan and the second in the eastern Punjab at Rampura in the Gurgaon District. A large number of tanners and *chamars* and a few educated persons have been trained in improved methods of tanning. The object is to stop the wasteful methods of tanning commonly employed. The persons trained are producing a definitely improved quality of leather.

Fruit growing.—(a) Provision of nursery fruit plants for sale at cheap rates. Rs. 47,000.

Rs. 3,753 has been spent and work has been undertaken in the following directions :—

- (i) Extension of work in the existing fruit nurseries at the departmental farms at Lyallpur, Montgomery, Jullundur, Gurdaspur, Gujranwala and Sargodha.
- (ii) Nurseries have been started at the Agricultural Farm at Karnal, the Date Farm at Muzaffargarh and at Samli near Murree.
- (iii) Nursery tools and materials have been purchased and the necessary staff has been appointed.
- (iv) In March 1936, 38,000 *khatti* plants were planted and *khatti* seed sufficient to produce about 50,000 seedlings was sown at various centres. 45,000 cuttings and 18,000 mango seedlings were also planted. 12,000 plants of various kinds of fruit were budded and 6,000 plants were sold to the public.
- (v) Efforts are being made to produce stocks of as large a variety of fruit trees as possible and it is estimated that about 100,000 plants will be budded or grafted by the spring of 1937. The plants will be supplied to the public from next spring at about half the present prices.
- (vi) 4,600 *ber* trees were topworked at different places in the province during the spring 1936 and about the same number is expected to be handled in August 1936. Topworking of apples and pears is also being successfully carried out in the Simla Hills and topworking of olives is being tried in the Murree Hills.
- (vii) Owing to the difficulty of securing budwood of good varieties, it is proposed to establish progeny gardens at two or three centres.

(b) Providing a fruit preservation plant on a semi-commercial scale for experimental purposes. Rs. 15,000.

A canning hall has been constructed and machinery worth Rs. 5,000 for the canning of fruits and vegetables has been purchased and is expected shortly. Experiments have already been made with the manufacture of lemon squash, lime juice cordial and tomato ketchup with very promising

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results in regard to both taste and cost. Excluding overhead charges the cost is as follows :—

Lemon squash -/6/9 per 24 oz. bottle.

Lime juice cordial -/7/9 per 24 oz. bottle.

Tomato ketchup -/10/- per 12 oz. bottle.

The expenditure up to June 30, excluding cost of machinery, amounted to Rs. 6,612.

Well boring.—The object of the scheme is to encourage well boring. Under the rules anyone desiring to have boring done departmentally had to pay overhead charges at the rate of 12 annas per foot bored, subject to a maximum of Rs. 100 in each case. Since 1st November 1935 no charge has been made on this account, the costs being debited to this grant of Rs. 25,898.

Up to the 30th June, 182 wells for agricultural purposes were bored and Rs. 9,588 was debited to this grant.

Discretionary grants.—Rs. 3,500 were allotted to each district except Simla, which was given Rs. 2,000. The amount was to be spent as the Deputy Commissioners thought best and all but about Rs. 8,000 has been spent, mainly on the following objects :—

- (1) Starting a Model Gaushala at Dera Ghazi Khan with 20 good Dajal cows and a selected Dajal bull.
- (2) Improvement of cattle breeding.
- (3) Encouragement of the use of improved seed and agricultural implements.
- (4) Purchase of radio sets.
- (5) Improvement of water supply in villages.
- (6) Establishment of spinning centres.
- (7) Prizes for works of public utility.
- (8) Starting research laboratories on cattle diseases.
- (9) Street pavements, making drains and pits for manure.
- (10) Opening a health centre and Dais' training class.
- (11) Improvement of village roads.
- (12) Purchase of loud speakers.
- (13) Purchase of an electric press for the printing of a paper on rural reconstruction.

BURMA.

	Allotments from the Government of India grant.	Expenditure up to end of July 1936.
	Rs.	Rs.
(1) Anti-malarial measures	1,15,000	..
(2) Discretionary grants	50,000	46,000
(3) Rural Reconstruction Centres	3,35,000	..
	5,00,000	46,000

Anti-malarial measures.—The anti-malarial measures comprise the free distribution of quinine and the breeding of larvivorous fish. Rs. 90,000 is to be devoted to quinine and Rs. 25,000 is being expended on the establishment of fish breeding centres.

The scheme for the free distribution of quinine required a considerable amount of preparation and was launched finally on the 29th of June last. The Director of Public Health simultaneously arranged with the different departments of Government for the co-operation of all touring officers and in consequence it is hoped to make a widespread distribution of free quinine which should have a very beneficial effect on the incidence of malaria.

A scheme for breeding larvivorous fish has also been initiated. In the first instance tanks are being constructed in the Harcourt Butler Institute of Public Health in Rangoon and fish will be supplied from these to the different centres as required.

2. Discretionary grants.—Of the Rs. 50,000 allotted for discretionary grants, Rs. 33,448 was expended in 1935-36 on objects of purely local importance. Rs. 12,000 has been allotted for expenditure during the current year. By small allotments from these grants Deputy Commissioners are enabled to supplement the limited resources of poor villages faced with the necessity of repairing tanks, bridges, roads, wells, etc.

3. Rural reconstruction.—As regards the Rural Reconstruction Centres it was not at first realised how much preparation would be necessary before a start could be made with reasonable hope of success. Four centres were originally contemplated, but at the suggestion of the Government of India the number was reduced to three on financial grounds. One centre has now been inaugurated at Tatkon in the Yamethin District. Some preliminary work, however, still remains to be done. Staff has been sanctioned for the Medical, Agricultural and Public Health Departments; plans and estimates have been drawn up for building a health centre, a dispensary and a farm school; arrangements have been made for the co-operation of the District Council and the District School Board and in the Education Department plans are being prepared for the improvement of school buildings in the villages within an area of 40 square miles round the centre and for their equipment as model village schools. A staff for them is being selected by the Department and the schools will be brought under the direct control of the Education Department. Acquisition proceedings for the necessary land have been initiated and the project is regarded locally with much interest.

Heads of Departments are now examining the requirements for the second centre at Mudon in the Amherst District and, as soon as that at Tatkon is equipped and staffed, will make a beginning there. The third will then be planned and opened in the same way, in the light of the experience gained at Tatkon and Mudon.

It is the intention of Government that the officers of each of the departments concerned should constitute a management committee and that when the scheme has sufficiently developed, a special officer will be appointed as its chairman. The essentially rural character of the centre will be kept in the forefront and the officers of each department will enter

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the work. The original scheme has been replaced by one for the purchase of boring plants. The Local Government has sanctioned the purchase of two well-boring plants at a total cost of Rs. 13,000. It is proposed to obtain shortly from the Indian Stores Department two oil engines of the required type for working these units. The whole of the allotment will be spent by the end of the current year.

12. *Storage accommodation for cultivators' produce.*—The object of providing godowns is to put the agriculturists in a position to hold over their produce when prices are unfavourable. The original idea was to allot grants to certain market committees in different circles. Opinions elicited from the market committees induced Government to work the scheme through the co-operative movement. Detailed proposals in connection with the working of this scheme through the medium of Co-operative Banks and Societies have been submitted for the approval of Government. Sites have been provisionally selected for 5 godowns, one in Raipur, another at Bilaspur and a third at Drug for storing grain and two others in the Nagpur District for the disposal of the produce of the Nagpur District Orange Growers' Association. It is hoped that by the end of the financial year 1936-37 the entire grant will have been spent.

ASSAM.

	Allotments from the Government of India grant. Rs.	Expenditure up to 30th June 1936. Rs.
(1) Rural water-supply	3,00,000	17,000
(2) Village roads	1,00,000	13,000
(3) Discretionary grants	40,000	15,000
(4) Village sanitation	40,000	11,000
(5) Boro Irrigation	20,000	20,000
	5,00,000	76,000

Rural water supply.—Ninety-one wells and five iron storage tanks have been completed, while fifty-eight wells and one iron storage tank are under construction. In many areas progress has not gone beyond the selection of sites and preparation of plans. Actual work could not begin until the type plans approved by Government had been distributed and contractors for test-boring selected and was necessarily held up by the onset of the rains. Two bunds for water storage were also constructed in a hill area.

Village roads.—Fifty-one miles of road have been completed and 30 miles are under construction. Four bridges have been completed and seven are under construction in hill districts.

PROGRESS OF RURAL DEVELOPMENT SCHEMES.

3235

Discretionary grants.—These have been largely used to supplement the allotments for water supply and village roads. Other selected activities were—

	Rs.
Grant to an Agricultural and Industrial Exhibition ..	150
Establishment of schools in grazing areas ..	98
Grant towards the building of a new rural dispensary ..	250
Grant to a Health, Maternity and Child Welfare Exhibition ..	100
Embankments ..	650
Health propaganda of Ram Krishna Mission ..	100
Excavation of water ways ..	200
Supply of looms and Jacquards ..	Amount unspecified.
Supply of Hospital equipment, bedding and medicine ..	
Construction of a "Serai" (travellers' rest) ..	
Educational Exhibition ..	
Supply of green manure, seed and haypress ..	
Anti-malarial work ..	Amount unspecified.
Storage pounds for water hyacinth. (Most of the work done on this campaign in Sylhet District has been voluntary and free).	

These amounts have not all yet been expended.

Village sanitation.—The bulk of the schemes assisted have been works for rural water supply and village roads under the charge of village authorities, including the renovation of old tanks, roads and embankments. A certain amount of drainage work was also done.

Boro irrigation pumps.—

These, with one set owned by the Local Government, were worked in various parts of the Habiganj, South Sylhet, Sunamganj, and North Sylhet sub-divisions of the Sylhet District, and in Nowgong District. Though ordered in September, the pumps were only received at various dates between 1st December and late January.

The expenditure incurred against the grant was :—

	Rs.
Purchase of pumps (10)	19,434
Pay of clerk	140
Survey of suitable areas	809
Total	20,383

Balance payable by Provincial Government .. 383

as much as possible into village life with the object of creating in the centre a model village community with a relatively high standard of agricultural efficiency, public health and general civic spirit, with, also, some intellectual life centring round the educated men who form the staff of the unit.

The expenditure incurred up to the 31st July 1936 covered only the discretionary grants amounting so far as can be ascertained to Rs. 46,208. Substantial expenditure will be incurred on land acquisition and buildings in the immediate future and recurring expenditure on staff began from the 1st August 1936.

BIHAR.

	Allotments from the Government of India grant.	Expenditure up to 30th June 1936.
	Rs.	Rs.
Village Communications	2,93,000	1,03,800
Rural water-supply	4,07,000	1,32,100
Miscellaneous projects including drainage and desilting	1,10,000	38,600
Village Welfare	40,000	500
Unallotted Reserve	1,17,500	..
	9,67,500	2,80,000

A brief description of the expenditure distributed over the several divisions of the Province is given below :—

Chota Nagpur Division.—All District Officers have found villagers ready to co-operate in the schemes, though in Hazaribagh it was found that wells were chiefly appreciated and that in Ranchi co-operation was greatest in schemes for small embankments for the control of hill streams for the irrigation of paddy. Expenditure on roads throughout the division has also been well appreciated.

The District Officer of Singhbhum has particularly remarked how forcibly the development of schemes has demonstrated the great necessity for the improvement of both water supply and village communications and the great interest which such schemes have aroused.

The District Officer of Manbhum refers to the manner in which these schemes have enabled the officers to come into personal touch with the villagers.

2. Bhagalpur Division.—In the Bhagalpur District wells were more popular than roads, but even in the case of wells it was found difficult to obtain assistance in the shape of free labour and it was only with difficulty

that workers were persuaded to accept reduced wages. There was an undoubted impression that, when it was Government that was spending money, all the expenditure must be borne by Government. In the case of roads, no difficulty was experienced in getting land free and roads have been built which will enable the villagers to carry their goods to trading centres more cheaply.

In Purnea the people, perhaps owing to the nature of the climate, were in the beginning apathetic, but after a time, except in Forbesganj sub-division, they came forward with the necessary manual labour as they realised the importance and the value of the schemes which were being undertaken.

3. Tirhut Division.—In Muzaffarpur, the whole allotment will be spent on the drainage of a chaur that has been perpetually water-logged ; this will result in a considerable increase in the prosperity of the residents of the area. The free gift of the land which was required has now been obtained and the work will be taken up after the rains.

In Saran the villagers were keener on wells than on village communications, and proposals are being put forward for wells for irrigation purposes.

In Champaran also wells were more popular. Labour and land were given free and wells were sunk at a cost of Rs. 120, instead of the normal cost of more than Rs. 200.

In Darbhanga the desilting of tanks has been carried out to the great benefit of the villagers both for irrigation and domestic purposes.

4. Patna Division.—The response of zamindars in granting land both for construction of wells as well as roads has been encouraging, but in Dinapore the enthusiasm of the villagers cooled to some extent when it was found that the whole cost would not be met by Government. Some of the roads constructed are reported to be better than the local board kutchas roads. Here also it was easier to obtain land and labour for wells rather than for roads.

In one of the sub-divisions of Gaya, each project was entrusted to a selected person of the locality and, though some opposition was offered by absentee landlords, several valuable roads were constructed. In some cases well projects had to be given up as land and labour were not forthcoming.

In Shahabad many of the old village roads connecting villages in the interior with their markets have been repaired. Wells are being constructed at the tolas of depressed classes and many old wells which had been neglected have been repaired. Here again the villagers are more ready to give land for the construction of wells than for roads and in some cases road projects had to be abandoned owing to the villagers withdrawing their offers of land. In some sub-divisions it was found that villagers were more ready to co-operate than landlords.

CENTRAL PROVINCES.

	Allotments from the Government of India grant.	Expenditure up to 30th June 1936.
	Rs.	Rs.
Rural water supply	1,20,000	16,700
(2) District Officers' discretionary grants	1,00,000	24,000
(3) Welfare of aboriginal tribes in scheduled districts	40,000	31,000
(4) Dispensary buildings in villages	15,000	2,000
(5) Experiments in poultry farming	10,000	3,000
(6) Improved bulls for District Councils	30,000	3,000
(7) Farm in Mandla District	30,000	10,000
(8) Additional debt conciliation boards	1,00,000	26,000
(9) Cinemas on lorries for demonstration work	20,000	3,000
(10) Purchase of boring plants	15,000	..
(11) Storage accommodation for cultivators' produce	20,000	..
	5,00,000	1,18,700

2. *Rural water supply.*—The scheme contemplates the construction of 211 wells in 20 districts in the province and also the improvement of water supply in raiyatwari areas by the construction of 31 new wells and one tank and repairs to 32 wells and 11 tanks. It is hoped that the entire grant will be utilised by the close of the current financial year.

3. *Discretionary grants.*—The whole of the expenditure under this head will be devoted to the construction of new wells and tanks, repair of existing sources of water supply, repair of roads and construction of causeways and culverts on village roads. A notable feature is that in certain districts the villagers are prepared to contribute in the shape of cash or labour. In the Akola District, a part of the expenditure on the schemes will be provided by the District Council.

4. *Grant for the welfare of aboriginal tribes.*—The schemes sanctioned by the Local Government include travelling dispensaries, new roads and wells or repairs thereto and a small contribution to four dispensaries for the treatment of aboriginals suffering from "yaws". Of the roads proposed to be constructed, one is a link road from Khapa to Lutia in the Chhindwara District, which will provide a most valuable means of access to Batka Khapa Jagir, one of the wildest and most inaccessible regions in the Chhindwara District inhabited by aboriginal tribes. It will provide an outlet for forest produce and react favourably upon the conditions and prosperity of the aboriginal inhabitants. All the other schemes under taken are similarly calculated to alleviate the conditions of the aboriginals. It is hoped that the bulk of the grant will be spent by the end of March 1937.

5. *Cheap plan dispensaries.*—The schemes so far sanctioned amount to Rs. 11,750 and they include cheap plan dispensaries at Atnair in Betul

District, at Kurkhera and Bhamragarh in Chanda District and at Mouda in Nagpur District. The expenditure will represent non-recurring grants to the District Councils to meet half of the cost of the construction of these cheap plan dispensary buildings.

6. *Debt conciliation boards.*—Although the expenditure up to the end of June was only Rs. 26,000, it is expected that by December 1937 the entire grant will have been spent on the establishment of 5 debt conciliation boards. The centres at which these boards are proposed to be set up are Chhindwara, Damoh-Hatta, Amraoti, Khandwa, and Ramtek-Umrer.

7. *Experiments in poultry breeding.*—The object of the scheme is to establish the industry on more scientific lines. It aims at the gradual upgrading of country fowl by pure bred cockerels of high laying breeds. Two foundation farms will be maintained, one at Borgaon and the other at Telinkheri, with a view to determine which breed is the best for the improvement of the country stock. The former will consist entirely of White Leghorns, while the latter will include other breeds. Owners of fowls in villages will be supplied, free of cost, with cockerels on condition that they agree to sell or otherwise dispose of all country cocks in their possession and properly maintain the pedigree bird given to them. Two Agricultural Assistants were sent for training to Poona and Lucknow and they have, on completion of their course, rejoined their duties at Borgaon and Telinkheri. Four poultry houses and four trap nests have been constructed on the Telinkheri Farm, where 300 feet runs with stays and two brooders with one coup for chickens have also been completed. A start has been made at the Telinkheri Farm by obtaining 175 pure White Leghorn eggs.

8. *Provision of improved bulls for District Councils.*—27 bulls have already been supplied to District Councils and other institutions and arrangements are in train for obtaining 38 more bulls for supply to similar institutions.

9. *Opening of a farm in the Mandla District.*—This farm is intended to supply a long felt want. Large quantities of seed are at present imported from outside the district and such supplies cannot be withdrawn every year without detriment to the interest of the agriculturists of other districts. The land required for the farm has already been acquired and the bullocks, implements and other material have also been purchased. The staff required in the year 1936-37 has been engaged, while plans and estimates for the buildings proposed to be constructed on the farm are under preparation. Although the present scheme provides for an expenditure of only Rs. 11,000, it is hoped that the balance of Rs. 19,000 will also be spent by the end of the financial year 1936-37.

10. *Cinema outfit for demonstration work.*—Two Commer Type Chassis fitted with Perking "Wolf" Diesel Type engine and Bosch electric starter have been ordered from the Indian Stores Department and are expected to be delivered shortly. Films for the above outfit have already been ordered. The scheme sanctioned so far involves an expenditure of about Rs. 14,000, but it is expected that the balance of Rs. 6,000 will also be spent in the current financial year.

11. *Purchase of boring plants.*—The original scheme was to purchase two tractors for the Sangor District. This had to be abandoned as it was found that a more powerful and expensive type of tractor was required for

The expenditure on working, which was recoverable from the cultivators benefited, was :—

	Rs.
Running staff	3,634
Diesel oil and Mobiloil	1,968
Incidentals	2,055
Total	7,657

The pumps were used to some extent for irrigating standing *boro* and early *aus* paddy. The total area irrigated was 5,565 *highas* (1,855 acres). The area actually transplanted or sown broadcast was only 3,349 *highas*. The people were at first sceptical, but they are now thoroughly awake to the possibilities of the scheme and the opposition which was at first encountered will gradually disappear. Three further pumps have been bought through Government on the hire-purchase system.

The Director of Agriculture is satisfied, on the basis of the experiment, that the pumps can be worked economically and that work could be found for over sixty in Assam.

NORTH-WEST FRONTIER PROVINCE.

	Allotments from the Government of India grant.	Expenditure up to the end of July 1936.
	Rs.	Rs.
Drinking Water Supply Schemes	1,20,000	11,500
Discretionary grant including grant for control of hill torrents in Dera Ismail Khan	1,10,000	48,000
Improvements of village roads	10,000	4,400
Anti-malarial measures	15,000	15,000
Opening of school farms	10,000	..
Marketing facilities for local industries	3,000	1,800
Bara Irrigation	5,000	..
Industrial shops	7,000	7,000
Manufacture of Shora Bone Meal	20,000	15,000
	3,00,000	1,02,500

2. *Drinking water supply schemes*.—Four schemes were approved. One is for Mansehra, which is an important country town, shortly to be raised to the status of a notified area. The second scheme is to sink wells in Thal area in the Kohat District where the lack of drinking water in some tracts is an almost unbelievable hardship. Men and women have to fetch drinking water at times from a distance of 12 miles. A similar scheme has been devised for the dry areas in Bannu and Dera Ismail Khan.

3. *Discretionary grant*.—About Rs. 7,000 has already been spent in Hazara District, chiefly on the improvement of springs and the construction of embankments or aqueducts to protect the existing sources of water supply. In the Peshawar District about Rs. 800 has been spent on the

purchase of a hand pump for draining stagnant water in Swabi and the construction of a protective bund to save village Mullah Khel from the destructive action of the Swat river. Of the Rs. 6,000 spent in Kohat District, the bulk of the expenditure was on earth works designed to save valuable lands from floods. Rs. 1,000 has also been spent on prizes to schools. In the Bannu District the expenditure was about Rs. 5,000, mainly on the construction of embankments to protect the available sources of drinking water supply and to improve the means of irrigation. Of the total allotment of Rs. 35,000 for Dera Ismail Khan, Rs. 7,000 has already been expended on the improvement of irrigation. A large number of schemes are ready and it is hoped to spend the bulk of the allotment in the near future.

4. *Village roads*.—Considerable progress has been made in all the districts in opening new village roads. A notable feature is that in the Peshawar District the villages will contribute labour at a nominal cost. Some of the schemes afoot provide for roads suitable for wheeled traffic.

5. *Anti-malarial measures*.—The entire allotment of Rs. 15,000 for anti-malarial measures was expended on the purchase of quinine and cinchona febrifuge which was distributed among villages where malaria was most prevalent.

6. *Marketing facilities*.—As regards marketing facilities for local industries, Sheikh Mohamadi village in the Peshawar District, which is an important grape growing centre, has been taught the principles and financial advantages of joint marketing on a co-operative basis.

7. *Shora Bone meal*.—Shora Bone meal is a new discovery and tests have proved that it is an excellent manure, the manufacture of which places within the reach of the agriculturist of the province a supply of good manure at a reasonable price. Out of the Rs. 20,000 allotted for the purpose, Rs. 5,000 was spent on the installation of a plant and Rs. 10,000 on the manufacture of 8,000 maunds of manure.

ORISSA.

	Allotments from the Government of India grant.	Expenditure up to 30th June 1936.
	Rs.	Rs.
(1) Village communications	1,53,000	59,000
(2) Rural water supply	1,23,000	51,000
(3) Village welfare scheme and reserve	34,000	..
	3,10,000*	1,10,000

* The total allotment to Orissa is made up of amounts transferred from the old Bihar and Orissa Province and from Madras (rounded to the nearest thousand).

The greater part of the provincial allotment was devoted to the improvement of rural water supply and village communications. The Commissioner of the Orissa Division received Rs. 2,50,000 of which Rs. 1½ lakhs was ordered to be spent on communications and one lakh on water supply. This was distributed to District Officers, the allotment for each district being half a lakh.

2. The outstanding feature of the work in North Orissa was the insistence on the villagers themselves contributing substantially to the schemes by supplying labour free and arranging themselves to take work on contract at low rates. The co-operation of the villagers was secured by forming sub-divisional and thana committees and, below them again, committees in villages and groups of villages. Villagers were asked to state their most pressing needs in respect of communications and water supply, and they were informed that a grant would be made from the fund for such of these schemes as were approved, provided the villagers contributed themselves in the manner stated above.

3. Considering the novelty of the proposal the response was gratifying. The progress would have been considerably greater but for the fact that the monsoon broke a month earlier than usual. The value of the work done is more than three times as great as the Government grant, which is satisfactory evidence of the extent to which villagers in North Orissa have learnt to help themselves. The fact that as many as 1,734 separate schemes have been sanctioned since work began indicates that the benefits of the grant have been widely distributed. In Cuttack District progress has been particularly rapid for a variety of reasons. The district has a much larger population than any other and has received the special attention of the Divisional Commissioner whose headquarters are in that district and who was able to explain the scheme at the outset to the various sub-divisional officers on their monthly visits to Cuttack. Yet another reason is that it was in Cuttack District that the campaign started in 1929 against water hyacinth and was pressed first to a successful conclusion. The people have not forgotten the advantages of corporate action.

4. Out of the 2½ lakhs actually allotted to the old Orissa Division Rs. 1,87,000 has already been assigned to sanctioned schemes and where the schemes have been completed they will represent work valued at Rs. 5,39,000. On schemes actually completed half a lakh has already been paid out and this has sufficed to add 1-2/3 lakhs to the capital assets of the rural areas of North Orissa. A further amount of half a lakh has already been paid out for schemes in progress. The form which the village welfare scheme, for which Rs. 10,000 has been allotted, should take, is still under consideration.

5. An attempt has been made to estimate the number of persons affected by the schemes. The Government of Orissa are not fully satisfied with the figures reported at present, since it appears that in some of the districts the phrase has been interpreted as meaning the number of labourers employed rather than the number of persons who will benefit by the completed work. The latter is obviously the proper criterion. Still, taking these figures as a first approximation, it appears that 14 per cent. of the total population has already been benefited by the scheme. It is not too much to hope that with the help of the further grant now promised the proportion of the population to be affected may rise to 30 per cent.

6. Certain difficulties have been experienced in connection with rural water supply schemes. In villages near the coast there is a general complaint that the water in the wells is brackish and it has been necessary to concentrate mainly on improving drinking water tanks, though they are admittedly unsatisfactory, as it is difficult to keep the water free from contamination. In the uplands the cost of digging wells is considerable

as the soil is hard and rocky, necessitating blasting in some cases and water is generally found only at a considerable depth.

7. Another very pleasing feature of the work in North Orissa has been that it has stimulated some of the wealthier landlords to improve village communications on the same lines, viz., by providing a portion of the cost on condition that the villagers helped with labour or money contribution. The schemes that have been sanctioned are for the most part quite small ones, valued on the average at about Rs. 300 each and involving a charge on the grant of about Rs. 100 each. The only really large scheme was the bridging of the Salkhi river in the Khondmals. The work which was estimated to cost half a lakh was carried through with the help of the Khond population which will benefit from it, at a cost of Rs. 20,000 in the course of the last dry season and the bridge was opened last May by the Collector of Ganjam (to which district the sub-division is now attached).

8. As regards the position in the Ex-Madras area, the allotment made by the Madras Government to each district was based on the land revenue demand, though a small additional grant was made to the agency tracts, where the land revenue demand is insignificant and to Collectors to augment their discretionary grants. In consequence, Ganjam and Vizagapatam Districts which consist mainly of permanently settled estates received a small allotment. In Ganjam a large portion of the small amount available for improving rural water supply had to be spent in the portion of the district remaining in Madras, where a serious water scarcity threatened last dry season. Except in the Ganjam agency where there are no local bodies, the allotment was distributed to District Boards and the money was spent on expanding the regular District Board programme for the provision of rural water supply and village communications. Progress which was generally poor was retarded by the threat of a famine in the portion of Ganjam District remaining in Madras, resulting in the District Board Engineering staff being concentrated in that area, by the large amount of additional work thrown on Government and local Board officers owing to the bifurcation of the Ganjam and Vizagapatam Districts on the formation of the new province and by the premature arrival of the monsoon.

9. It is proposed during the next working season to adopt throughout the province the system which has worked so well in North Orissa with such modifications as may prove necessary in the light of the experience gained and of the instructions issued by the Government of India.

SIND.

	Allotments from the Government of India grant.	Expenditure up to 30th June 1936.
	Rs.	Rs.
Establishment of seed and implement depots ..	35,000	
Improvement of cottage industries, including soap making, rope and twine making from local fibre called "Vahn" and tanning and flaying	21,600	75,000
Discretionary grants	81,400	
	1,38,000	75,000

H2

DELHI.

	Allotments from the Government of India grant. Rs.	Expenditure up to 30th June 1936. Rs.
(1) Wells—		
(a) repairs		
(b) new	24,000	3,000
(2) Remodelling villages	8,000	..
(3) Roads and communications	3,000	..
(4) Reserve	10,000	6,500
	5,000	3,000
	50,000	12,500

1. Improvement of water supply.—Wells :—

(a) *Repairs.*—In three zails repairs to 49 wells have been carried out at an estimated cost of Rs. 8,815. Running payments amounting to Rs. 2,930 have been made and final bills which have been prepared, are under scrutiny and the balance will be paid at an early date. In six other zails the work of repairs to another 100 wells at an estimated cost of Rs. 17,545 is in hand. This work should be completed in the very near future. Great care had to be exercised in drawing up the programme of repairs, which was only done after a careful survey had been made by the health authorities and samples of water from the wells concerned had been tested.

(b) *New wells.*—After a full survey, villages were selected in which new wells could usefully be constructed. As soon as the repair work is completed, the matter of the construction of new wells will be taken in hand.

2. *Village remodelling.*—Originally the village of Tatarpur was selected for this purpose and an estimate for Rs. 6,000 was prepared. As this sum exceeded the amount of Rs. 3,000 which was sanctioned for the purpose by the Government of India, efforts were made to cut down the estimate by adopting a less elaborate scheme than that which was originally proposed. A new site for another village has been selected and the case is receiving full consideration.

3. *Roads and communications.*—A sum of Rs. 10,000 for earth work on the Makbara Paik-Ochandi Road was sanctioned. The road is about 13½ miles in length. About three-fourths of the road has now been completed and two culverts have been constructed to drain off water. Running payments amounting to Rs. 6,520 have since been made after careful scrutiny and it is hoped that the work will be finished by September next.

4. *Deputy Commissioner's reserve.*—Out of this allotment petty works costing Rs. 3,090 and mostly relating to improvement of road communications have been carried out. The rest of the allotment amounting to Rs. 1,910 still remains to be spent usefully in carrying out such

other petty works as are found to be badly needed. Such are in the nature of construction of small bridges over storm water nalas, repair to kacha roads and construction of culverts.

AJMER-MERWARA.

	Allotments from the Government of India grant. Rs.	Expenditure up to 30th June 1936. Rs.
(1) Improvement of village roads, etc.	23,000	12,500
(2) Propaganda for improvement of agriculture	23,000	1,700
(3) Improvement of livestock	1,000	700
(4) Discretionary grants	3,000	..
	50,000	14,900

(1) *Improvement to village roads and construction of small bridges and culverts.*—Important village roads of the total length of 101 miles were selected in all parts of the district for improvement. Of these about 75 miles have been repaired generally and made into fair weather roads. 21 culverts or road dams have been newly constructed and others repaired.

(2) *Improvement of agricultural and sanitary conditions.*—Three agricultural assistants (one for each sub-division) are touring the villages and doing propaganda and demonstration work for improvement of agriculture. New varieties of crops have been introduced and improved seed supplied. Other experiments are being carried out under the directions of the Director of the Institute of Plant Industry, Indore. These assistants will shortly be provided with demonstrators to assist them.

(3) *Improvement of live stock.*—Four young bulls have been purchased from the Imperial Cattle Breeding Farm at Karnal, but owing to their immaturity have not yet been brought into use. They will be made available for specially selected areas in the beginning of the cold weather of 1936-37.

COORG.

	Allotments from the Government of India grant. Rs.	Expenditure up to 30th June 1936. Rs.
Discretionary grant	15,000	6,900
Water supply schemes	32,500	19,900
Cattle breeding schemes	2,500	..
	50,000	26,800

Discretionary grant.—The Commissioner's discretionary grant was spent on improvements to village communications, anti-malarial work and

other improvements in village sanitation, ruralising the courses of instruction in certain Higher Elementary Schools and assistance to subsidiary pursuits which are considered to be of value in raising the agriculturists from their present depressed state.

2. *Water supply schemes.*—Out of a total of 40 wells, 110 tanks, 16 irrigation-channels and 5 miscellaneous works included in the sanctioned programme for reconstruction, 27 wells have been sunk, 75 tanks have been restored and 9 channels have been repaired. The principle that the villagers should themselves contribute to the improvements, either in cash or in kind (by labour or the like), has been followed as far as possible. The works so far completed have been accomplished to the best advantage of the rural population and the results achieved are regarded as satisfactory. Further operations have now been postponed on account of monsoon conditions but the programme will be resumed as soon as fair weather sets in again.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Council of State.

"I am directed to inform you that the Bill further to amend the Indian Companies Act, for certain purposes, which was passed by the Legislative Assembly at its meeting held on Wednesday, the 7th October, 1936, was passed by the Council of State at its meeting held on Tuesday, the 13th October, 1936, with the amendments shown in the enclosed statement.

The Council of State requests the concurrence of the Legislative Assembly in the amendments."

Sir, I lay on the table the Bill as amended by the Council of State.

"Statement showing the amendments made in the Bill further to amend the Indian Companies Act, for certain purposes, by the Council of State, at its meeting held on the 13th October, 1936.

1. In sub-clause (b) of clause 17 for the words 'ten days' the following words were substituted, namely:

'ten days exclusive of non-working days and days on which the transfer books of the company are closed.'

2. In clause 42, to the proposed section 86B, the following Explanation was added, namely:

Explanation.—For the purposes of the provisoes to this section, the Presidency towns of Calcutta and Madras shall be deemed to be part of the 24 Parganas and Chingleput Districts respectively, and the Presidency town of Bombay shall be deemed to be part of the Bombay Suburban and the Thana Districts.

3. In clause 42, to the proposed section 86F (1) the following words were added, namely:

'A director so removed shall not be re-appointed a director by the Board of Directors.'

4. In clause 46 in the proposed sub-section (4) of section 91A, after the words 'every officer of the Company who', the words 'knowingly and wilfully' were inserted.

5. For clause 55, the following was substituted, namely:

'55. In section 101 of the said Act—

(a) for sub-sections (1) and (2) the following sub-sections shall be substituted, namely:

(1) No allotment shall be made of any share capital of a company offered to the public for subscription unless the amount stated in the prospectus as the minimum amount which in the opinion of the directors must be raised by the issue of share capital in order to provide the sums or, if any part thereof is to be defrayed in any other manner, the balance of the sum required to be provided in respect of the matters specified in sub-section (2) has been paid to or received in cash by the company.

(2) The matters for which provision for the raising of a minimum amount of share capital must be made by the directors are the following, namely:

(a) the purchase price of any property purchased or to be purchased which is to be defrayed in whole or in part out of the proceeds of the issue,

(b) any preliminary expenses payable by the company and any commission so payable to any person in consideration of his agreeing to subscribe for or of his procuring or agreeing to procure subscriptions for any shares in the company,

(c) the repayment of any moneys borrowed by the company in respect of any of the foregoing matters, and

(d) working capital.

(2A) The amount referred to in sub-section (1) as the amount stated in the prospectus shall be reckoned exclusively of any amount payable otherwise than in cash and is in this Act referred to as 'the minimum subscription'.

(2B) All moneys received from applicants for shares shall be deposited and kept in a scheduled Bank as defined in the Reserve Bank of India Act, 1934, until returned in accordance with the provisions of sub-section (4) or until the certificate to commence business is obtained under section 103.

(2C) In the event of any contravention of the provisions of sub-section (2B) every promotor, director or other person knowingly responsible for such contravention shall be liable to a fine not exceeding five hundred rupees; and

(b) in sub-section (4) for the word 'twenty' the word 'eighty' for the word 'thirty' the word 'ninety' and for the word 'thirtieth' the word 'ninetieth' respectively shall be substituted.

6. In clause 59 for the proposed section 105C, the following was substituted, namely:

'105C. Where the directors decide to increase the capital of the company by the issue of further shares such shares shall be offered to the members in proportion to the existing shares held by each member (irrespective of class) and such offer shall be made by notice specifying the number of shares to which the member is entitled, and limiting a time within which the offer if not accepted, will be deemed to be declined; and after the expiration of such time, or on receipt of an intimation from the member to whom such notice is given, that he declines to accept the shares offered, the directors may dispose of the same in such manner as they think most beneficial to the Company.'

7. In sub-clause (b) of clause 106 for the proposed new clause (d) of section 230, the following was substituted, namely:

'(d) compensation payable under the Workmen's Compensation Act, 1923, in respect of the death or disablement of any officer or employee of the company.'

8. In clause 118 after sub-section (2) of the proposed new section 277BB the following was inserted as sub-section (3) and the subsequent sub-sections were re-numbered accordingly :

(3) Any person acting in contravention of this section shall be liable to a fine not exceeding rupees one hundred.

9. In clause 121 for sub-section (2) of the proposed section 282B the following was substituted, namely :

(2) Where a Provident Fund has been constituted by a company for its employees or any class of its employees, all moneys contributed to such Fund (whether by the company or by the employees) or accruing by way of interest or otherwise to such Fund after the commencement of the Indian Companies (Amendment) Act, 1936, shall be invested and shall be invested only in securities mentioned or referred to in clauses (a) to (e) of section 20 of the Indian Trusts Act, 1882, and all moneys belonging to such Fund at the commencement of the said Act which are not so invested shall be invested in such securities by annual instalments not exceeding ten in number and not less in amount in any year than one-tenth of the whole amount of such moneys.

10. In clause 121 in the proposed section 282B, sub-sections (3) and (4) were re-numbered as sub-sections (4) and (5) and the following was inserted as sub-section (3) :

(3) Notwithstanding anything to the contrary in the rules of any fund to which sub-section (2) applies or in any contract between a company and its employees, no employee shall be entitled to receive in respect of such portion of the amount to his credit in such fund as is invested in accordance with the provisions of sub-section (2) interest at a rate exceeding the rate of interest yielded by such investment.

11. In clause 124 in the proposed form 'F' in the sub-heading 'Investments' under the heading of 'Property and Assets' before the word 'Distinguishing' the following words were inserted, namely :

'Showing nature of investments and mode of valuation, e.g., Cost or Market value and'.

12. Necessary corrections of the numbering and lettering of the sections inserted by the Bill were carried out together with consequential corrections of cross references.

THE CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL.

PETITIONS LAID ON THE TABLE.

Secretary of the Assembly : Sir, under Standing Order 78, I have to report that four petitions as per statement laid on the table have been received relating to the Bill to amend the Child Marriage Restraint Act, 1929, which was introduced in the Legislative Assembly on the 26th September, 1935, by Mr. B. Das.

Petitions relating to the Bill to amend the Child Marriage Restraint Act, 1929, which was introduced in the Legislative Assembly on the 26th September 1935.

Number of signatories.	District or Town.	Province.
162	Serampur, Hoogly, Calcutta, etc.	Bengal.
135	Burdwan, Hoogly, etc.	Bengal.
96	Calcutta, Hoogly, Burdwan, etc.	Bengal.
132	Midnapur	Bengal.
525		

THE INDIAN COMPANIES (AMENDMENT) BILL.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I ask for your permission under rule 34, at page 91 of the Manual, that the amendments in the Companies Bill made in the Council of State may be taken up, and I may now be allowed to move the motion for their consideration. Rule 34 runs thus :

After an amended Bill has been laid on the table, any Member acting on behalf of Government in the case of a Government Bill, or, in any other case, any Member after giving three days' notice, or with the consent of the President without notice, may move that the amendments be taken into consideration."

I am asking for your consent that I may be allowed to move this without notice and I can assure the Chair and the House that the amendments are of such a nature that possibly they will not last more than a few minutes, as there is nothing controversial in them. They have all been printed and circulated.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member can move them.

The Honourable Sir Nripendra Sircar : Sir, I move :

"That the amendments made in the Council of State in the Bill further to amend the Indian Companies Act, 1913, for certain purposes, be taken into consideration."

I will draw the attention of Honourable Members to the amendments which have been made, from which it will appear that really there is nothing controversial.

The first amendment is that we provided here that ten days should be allowed for supplying a copy of the shareholders' list. Honourable Members will remember that the Select Committee had recommended 30 days. That was not accepted by this House, and a similar attempt made in the other House also failed. The only change made is this, and we have agreed to it, that the ten days should be exclusive of the non-working days and the days on which the book is kept closed. It was brought to our notice,—and I think it is reasonable,—that the House really wants to give them ten days and to exclude non-working days like Sunday and Puja day, etc.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, may I know what is meant by the expression, "days on which the transfer books of the company are closed"? Under the Bill, if I am not mistaken, they can be kept closed for 45 days.

The Honourable Sir Nripendra Sircar : Yes, but not necessarily at one stretch.

Pandit Govind Ballabh Pant : In two instalments, and for 30 days at a stretch.

The Honourable Sir Nripendra Sircar : I believe throughout the whole year they can be kept closed for 45 days. That is true, but that does not create any difficulty, because if as a matter of fact the books are closed (let us say) for 15 days at one time and the 15 days are excluded, surely they are not going to have a meeting at that time when the books are closed.

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Pandit Govind Ballabh Pant : The books may be closed just before the meeting. There might be difficulty and the purpose of the amendment that we made here may be defeated.

The Honourable Sir Nripendra Sircar : That remains to be seen.

Then, Sir, with regard to the next amendment, the position is this. After a rather long discussion we came to the conclusion that an alternate director can be appointed only if the permanent director was absent from the district. It was pointed out that there will be some difficulty in the case of Presidency towns of Calcutta, Bombay and Madras, as they are not really districts. To avoid that difficulty an Explanation has been added as follows :

“ For the purposes of the proviso to this section, the Presidency towns of Calcutta and Madras shall be deemed to be part of the 24 Parganas and Chingulpur Districts respectively, and the Presidency town of Bombay shall be deemed to be part of the Bombay Suburban and the Thana Districts.”

Then, amendment No. 3 provides that a removed director shall not be reappointed a director.

Amendment No. 4 is a drafting addition by adding the words “ knowingly and wilfully ”. It is a case of penalty.

Amendment No. 5 is purely a drafting amendment. This House will remember that it accepted an amendment moved, I think, by my Honourable friend, Pandit Pant. What happened was that this paragraph was grammatically a misfit having regard to the paragraph which had gone before. We have taken care to see that it exactly carries out the intention of Pandit Govind Ballabh Pant's amendments : he will also remember that 120 was changed to 180 and so on. It is a purely drafting amendment and there is no point of substance in it.

No. 6. There is a point of substance to which I should draw the attention of this House. The House may remember that Mr. Bajoria moved that if a further issue of capital should be issued, the existing shareholders should have preference, that is to say, they must first of all have the option of taking it. But what Mr. Bajoria did was to limit it to the offer of those shares in the same class, that is to say, if they are preference shares, then they must be offered to preference shareholders. After that was passed, the point which struck us was this : there was a good deal of complaint in this House—and on very legitimate grounds—that very often deferred shares are given to managing agents which carry higher rates and so on ; if Mr. Bajoria's amendment stands, the result will be that the managing agents or other people will be able to issue deferred shares and those will be offered only to the holders of deferred shares, that is, possibly to themselves only ; so that, to prevent that abuse what has now happened is this : if I may read it out to Honourable Members, that is the only change :

“ Where the directors decide to increase the capital of the company by the issue of further shares such shares shall be offered to the members in proportion to the existing shares held by each member (irrespective of class).....”

That is the addition made, because, we do think that it will enable deferred shares to be issued and offered only to holders of those deferred shares or shares with special rights : to avoid that we have accepted an

amendment which was moved in the Council of State that these shares must be offered to shareholders but irrespective of their class. That is the only change.

Paragraph 7 is purely a drafting amendment—in respect of the death or disablement of any officer or employee of the company. There is no point of substance there.

No. 8 provides a penalty for contravention, as we omitted to put in any penalty at all.

As regards No. 9 and No. 10. I would remind the House that I gave an undertaking to have an amendment moved. The only change from the undertaking which I gave and the form in which it has been passed by the Council of State—in fact it was our own amendment—is this : as we are compelling the employers to put their money in trust funds, we are providing for the employers not being liable for a larger rate of interest than what they actually get from the trust securities. In some cases, for instance in Tatas, there is an arrangement for paying, let us say, 5 per cent. ; but now by force of this statute, they will be compelled to put that amount, at least one-tenth in each year in trust securities. It is possible that from these trust securities they will get only 3 per cent. or 3½ per cent. ; and it is not the desire of anybody that they should be receiving only 3½ per cent. and giving 5 per cent. ; that is the only correction which has been made. If they are not paying a higher rate than they are getting from the trust securities and there is no such agreement, then there is no hardship ; but I was told that there might be some cases where the employers have agreed to give 5 or 6 per cent. and they will get only 3 or 3½ per cent. That is the object with which this slight change has been made : otherwise it is exactly on the lines of the undertaking which I gave to this House.

Paragraph 11. What happened was that this was an amendment on which both the Congress Group and the Government shouted “ Aye ” ; but unfortunately Sir Homi Mody shouted “ No ” louder, and the result was that Government said “ No ” and at that time we were in such a condition that nobody paid much attention. That is what has been put right here.

That is all that has been done by the amendments and I may tell the House that generally the amendments in the way of relaxing or making more stringent so far as the main provisions were concerned, were all opposed and they were not carried. Sir, I move.

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

“ That the amendments made in the Bill further to amend the Indian Companies Act, 1913, for certain purposes, by the Council of State, at its meeting held on the 13th October, 1936, be taken into consideration.”

Mr. Suryya Kumar Som (Dacca Division : Non-Muhmmadan Rural) : Sir, may I ask, on a point of information, from the Honourable the Leader of the House, whether when, under 105-C, the Directors decide to increase the capital and issue further shares, does it include unissued shares (though they were included in the company's share capital), offered subsequently for subscription ?

The Honourable Sir Nripendra Sircar : Yes. I may point out that whatever that is, that was what was decided by this House—that portion has not been changed at all. All that has been changed is that whereas

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[Sir Nripendra Sircar.]

under Mr. Bajoria's amendment we had to offer it only to the particular class, we say now that it should be offered to all classes of shareholders and not restricted to that particular class; but the answer to my Honourable friend, Mr. Som's question is in the affirmative.

Sir Leslie Hudson (Bombay : European) : Sir, is it open to Members of the House to speak on any of these paragraphs?

Mr. President (The Honourable Sir Abdur Rahim) : Yes, certainly.

Sir Leslie Hudson : I would just like to refer very briefly to amendments Nos. 9 and 10—particularly No. 9—in regard to provident funds.....

Mr. President (The Honourable Sir Abdur Rahim) : I am coming to them separately. But if the Honourable Member wishes to speak at this stage, he can do so.

The question is :

"That the amendments made in the Bill further to amend the Indian Companies Act, 1913, for certain purposes, by the Council of State, at its meeting held on the 13th October, 1936, be taken into consideration."

The motion was adopted.

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

"That in sub-clause (b) of clause 17, for the words 'ten days' the following words be substituted, namely :

'ten days exclusive of non-working days and days on which the transfer books of the company are closed'."

Pandit Govind Ballabh Pant : I am glad that the Bill got through the Council of State so expeditiously and so speedily. As to these amendments, they are either of a formal character or they give effect to the matters of substance already agreed to in this House. I regret, however, the small change that has been made in sub-clause (b) of clause 17. So far as the first part of it, excluding non-working days, goes, I think it is but reasonable, but the other part of it which also exempts from the operation of this clause the period during which the transfer books of the company are closed, will, I think, work to the disadvantage of the shareholders to some extent.

The Honourable Sir Nripendra Sircar : May I make a statement which may shorten matters? I realise the force of that argument, but I would suggest that instead of having any controversy now, if it appears that there has been any abuse by reason of our having put in the words, "days on which the transfer books of the company are closed"—then I undertake to put that right as soon as possible if I find that cases have happened where taking advantage of this clause the shareholders' lists have not been supplied. But at the moment I would request my Honourable friend not to move any amendment or to oppose it.

Pandit Govind Ballabh Pant : I do not press the matter further.

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

"That in sub-clause (b) of clause 17, for the words 'ten days' the following words be substituted, namely :

'ten days exclusive of non-working days and days on which the transfer books of the company are closed'."

The motion was adopted.

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

"That in clause 42, to the proposed section 86B, the following Explanation be added, namely :

'Explanation.—For the purposes of the proviso to this section, the Presidency towns of Calcutta and Madras shall be deemed to be part of the 24 Parganas and Chingleput Districts respectively, and the Presidency town of Bombay shall be deemed to be part of the Bombay Suburban and the Thana Districts'."

The motion was adopted.

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

"That in clause 42, to the proposed section 86F (1), the following words be added, namely :

'A director so removed shall not be re-appointed a director by the Board of Directors'."

The motion was adopted.

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

"That in clause 46, in the proposed sub-section (4) of section 91A, after the words 'every officer of the Company who', the words 'knowingly and wilfully' be inserted."

The motion was adopted.

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

"That for clause 55, the following be substituted, namely :

'55. In section 101 of the said Act—

(a) for sub-sections (1) and (2) the following sub-sections shall be substituted, namely :

(1) No allotment shall be made of any share capital of a company offered to the public for subscription unless the amount stated in the prospectus as the minimum amount which in the opinion of the directors must be raised by the issue of share capital in order to provide the sums or, if any part thereof is to be defrayed in any other manner, the balance of the sum required to be provided in respect of the matters specified in sub-section (2) has been subscribed, and the sum of at least five per cent. thereof has been paid to or received in cash by the company.

(2) The matters for which provision for the raising of a minimum amount of share capital must be made by the directors are the following, namely :

(a) the purchase price of any property purchased or to be purchased which is to be defrayed in whole or in part out of the proceeds of the issue,

(b) any preliminary expenses payable by the company and any commission so payable to any person in consideration of his agreeing to subscribe for or of his procuring or agreeing to procure subscriptions for any shares in the company,

(c) the repayment of any moneys borrowed by the company in respect of any of the foregoing matters, and

(d) working capital.

(2A) The amount referred to in sub-section (1) as the amount stated in the prospectus shall be reckoned exclusively of any amount payable otherwise than in cash and is in this Act referred to as 'the minimum subscription'.

[Mr. President.]

(2B) All moneys received from applicants for shares shall be deposited and kept in a scheduled Bank as defined in the Reserve Bank of India Act, 1934, until returned in accordance with the provisions of sub-section (4) or until the certificate to commence business is obtained under section 103.

(2C) In the event of any contravention of the provisions of sub-section (2B) every promotor, director or other person knowingly responsible for such contravention shall be liable to a fine not exceeding five hundred rupees; and

(b) in sub-section (4) for the word 'twenty' the word 'eighty' for the word 'thirty' the word 'ninety' and for the word 'thirtieth' the word 'ninetieth' respectively shall be substituted."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : The question is : "That in clause 59, for the proposed section 105C, the following be substituted, namely :

"105C. Where the directors decide to increase the capital of the company by further issue of capital, the issue of further shares such shares shall be offered to the members in proportion to the existing shares held by each member (irrespective of class) and such offer shall be made by notice specifying the number of shares to which the member is entitled, and limiting a time within which the offer if not accepted, will be deemed to be declined; and after the expiration of such time, or on receipt of an intimation from the member to whom such notice is given, that he declines to accept the shares offered, the directors may dispose of the same in such manner as they think most beneficial to the Company."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : The question is : "That in sub-clause (b) of clause 106, for the proposed new clause (d) of section 230, the following be substituted, namely :

"(d) compensation payable under the Workmen's Compensation Act, 1923, in respect of the death or, disablement of any officer or employee of the company."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : The question is : "That in clause 118, after sub-section (2) of the proposed new section 277BB the following be inserted as sub-section (3) and the subsequent sub-sections be re-numbered accordingly :

"(3) Any person acting in contravention of this section shall be liable to a fine not exceeding rupees one hundred."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : The question is : "That in clause 121, for sub-section (2) of the proposed section 282B, the following be substituted, namely :

"(2) Where a Provident Fund has been constituted by a company for its employees or any class of its employees, all moneys contributed to such Fund (whether by the company or by the employees) or accruing by way of interest or otherwise to such Fund after the commencement of the Indian Companies (Amendment) Act, 1936, shall be invested and

shall be invested only in securities mentioned or referred to in clauses (a) to (e) of section 20 of the Indian Trusts Act, 1882, and all moneys belonging to such Fund at the commencement of the said Act which are not so invested shall be invested in such securities by annual instalments not exceeding ten in number and not less in amount in any year than one-tenth of the whole amount of such moneys."

Sir Leslie Hudson : While I admit that the proper course for companies who have instituted provident funds for the benefit of their employees is to invest the contributions of those employees in trustee securities, I do not agree that it is reasonable that you should force employers by statute to so invest the company's contribution. The law may tell me what I should do with other people's moneys which may be entrusted to my care, but I do not think it is reasonable that the law should prevent me from dealing with my own money as I please. I know that the argument of those champions of labour who sit in this House is that provident funds should be considered as deferred pay, but there are arguments on the other side, especially where the fund is entirely voluntary or both sides. I consider that the clause of the Bill, as it emerged from the Select Committee, was a reasonable one which did justice to both parties concerned. I am afraid that the result of the Bill as now amended may be to discourage companies in future from instituting these provident funds and it may have the effect of causing who already have these funds in existence to close them down. I hope for the sake of the employees this will not be so, but I do see the risk. The clause will, to a certain extent, inconvenience employers, but that is a matter of not very great importance perhaps. But the hardship will be on the employees who will find the interest on their deposits cut down by 40 or 50 per cent. I just wish to say these few words on this particular clause.

Mr. President (The Honourable Sir Abdur Rahim) : The question is : "That in clause 121, for sub-section (2) of the proposed section 282B, the following be substituted, namely :

"(2) Where a Provident Fund has been constituted by a company for its employees or any class of its employees, all moneys contributed to such Fund (whether by the company or by the employees) or accruing by way of interest or otherwise to such Fund after the commencement of the Indian Companies (Amendment) Act, 1936, shall be invested and shall be invested only in securities mentioned or referred to in clauses (a) to (e) of section 20 of the Indian Trusts Act, 1882, and all moneys belonging to such Fund at the commencement of the said Act which are not so invested shall be invested in such securities by annual instalments not exceeding ten in number and not less in amount in any year than one-tenth of the whole amount of such moneys."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : The question is : "That in clause 121, in the proposed section 282B, sub-sections (3) and (4) be re-numbered as sub-sections (4) and (5), and the following be inserted as sub-section (3) :

"(3) Notwithstanding anything to the contrary in the rules of any fund to which sub-section (2) applies or in any contract between a company and its employees, no employee shall be entitled to receive in respect of such portion of the amount to his credit in such fund as is invested in accordance with the provisions of sub-section (2) interest at a rate exceeding the rate of interest yielded by such investment."

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Prof. N. G. Ranga (Guntur cum Nellore : Non-Muhammadan Rural) : I want to have some information. This amended clause runs like this :
 "no employee shall be entitled to receive in respect of such portion of the amount to his credit in such fund as is invested," and so on.

Does this mean that on that portion of the provident fund which is contributed by the employer, the provident fund will not get the interest accruing on it, and secondly if on that portion of it interest is to accrue for the benefit of the workers, is that interest to accrue at the rate at which interest is permissible or the interest that has accrued till now according to the provisions on which the employers have agreed to grant interest on it.

The Honourable Sir Nripendra Sircar : The position is this.

Under this Bill, if it is passed, the employer is not bound to put in the whole amount in trustee securities in the first year. Supposing that the provident fund is 10 lakhs of rupees, he puts in one lakh in the first year in trustee securities and further suppose that he is under agreement with the employees that he will pay them 5 per cent. and the result will be that as regards this lakh he is not bound to pay more than 3 per cent. or $3\frac{1}{2}$ per cent.—whatever he is getting from the trustee securities but as regards nine lakhs which is not covered by the operation of the compulsory portion of the statute he will still be bound to pay him 5 per cent. That is the position.

Prof. N. G. Ranga : In respect of such portion to his credit ?

The Honourable Sir Nripendra Sircar : Such portion as is invested.

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

"That in clause 121, in the proposed section 282B, sub-sections (3) and (4) be re-numbered as sub-sections (4) and (5), and the following be inserted as sub-section (3) :

'(3) Notwithstanding anything to the contrary in the rules of any fund to which sub-section (2) applies or in any contract between a company and its employees, no employee shall be entitled to receive in respect of such portion of the amount to his credit in such fund as is invested in accordance with the provisions of sub-section (2) interest at a rate exceeding the rate of interest yielded by such investment'."

The motion was adopted.

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

"That in clause 124, in the proposed form 'F', in the sub-heading 'Investments' under the heading of 'Property and Assets', before the word 'Distinguishing', the following words be inserted, namely :

'Showing nature of investments and mode of valuation, e.g., Cost or Market value and '."

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : I want to know one thing from the Honourable the Law Member. The amendment that was tabled here before it went to the Council of State was that the words, "e.g.," should be omitted for this reason that the valuation must be either according to the cost or the market value. But this amendment restores the provision in the old act.

The Honourable Sir Nripendra Sircar : That was opposed by Government. We did not accept it, but the direction in paragraph 11 is one, which your side wanted and we accepted it, but by mistake it was recorded as not having been accepted.

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

"That in clause 124, in the proposed form 'F', in the sub-heading 'Investments' under the heading of 'Property and Assets', before the word 'Distinguishing', the following words be inserted, namely :

'Showing nature of investments and mode of valuation, e.g., Cost or Market value and '."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :
 "That necessary corrections of the numbering and lettering of the sections imported by the Bill be carried out together with consequential corrections of cross references."

The motion was adopted.

DEMANDS FOR EXCESS GRANTS FOR 1934-35.

Civil.

DEMAND No. 19-A.—EXCISE.

The Honourable Sir James Grigg (Finance Member) : Sir, I beg to move :

"That an excess grant of Rs. 2,350 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Excise'."

Mr. President (The Honourable Sir Abdur Rahim) : Motion moved :
 "That an excess grant of Rs. 2,350 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Excise'."

Prof. N. G. Ranga (Guntur cum Nellore : Non-Muhammadan Rural) : This arises out of the recommendations of the Public Accounts Committee. I find, Sir, that till now, no opportunity has been given to this House to discuss the report of the Public Accounts Committee for the last two years and it is rather an unfortunate thing that Government should have found.....

The Honourable Sir James Grigg : To the best of my recollection, Government have continually offered opportunities but it has been the wish of the Honourable Member's own leaders that the discussion be postponed.

Prof. N. G. Ranga : I am not aware of that sort of undertaking or wish. Even if there were any such undertaking or wish, it must have related to the first report.

The Honourable Sir James Grigg : As the Honourable Member has raised this point, perhaps I may give the House an account of certain private conversations with his leaders on this point. I think it is now more than a year ago when the first of these motions relating to the Public Accounts Committee was put down, and I hope the Honourable Member

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[Sir James Grigg.]

will take it from me that the fact that the opportunity was not taken advantage of was no fault of the Government. Certainly the Honourable Member's leaders wished not to have this discussion during the present Session. As far as the two reports of the Public Accounts Committee are concerned, I have definitely committed myself to those leaders not to move the motion standing in my name and to ask you not to renew the discussion on the first of them if Members opposite do not want to do so. The same is true of the ordinary civil supplementary grants. I have put them down of course but the Congress Party asked that they should not be taken this Session, and I am agreeable. So I am under a pledge not to move them this Session unless there is a desire expressed by the Congress Party for them to be discussed. But these excess grants which arise out of the Public Accounts Committee's Report are pure matters of routine. They have not been recommended by the Public Accounts Committee but they are not integral parts of the Public Accounts Committee's Report, and they prejudice nobody if they are passed now. That is all I have got to say and I hope the Honourable Member is not going to make the moving of purely routine matters on my part a grievance.

Prof. N. G. Ranga : I am thankful for the explanation given by the Honourable the Finance Member in regard to this, but at the same time I am entitled to submit that the members of the Public Accounts Committee had a right to be consulted if the Honourable the Finance Member or the Government were to come to the decision or before they came to the decision that the Public Accounts Committee's Report was not to be discussed in the Session, as would follow soon after the report had been made to Government. In fact they have not been given any such opportunity, and when the Honourable the Finance Member was discussing this point with one of my leaders in an informal fashion, I suggested to him that these excess grants need not now be placed before the House,—and I also suggested, Sir, whether these things could not be postponed along with the Public Accounts Committee's Report so that the House would really have a proper idea of these excess grants as well as of the recommendations of the Public Accounts Committee's Report.

Mr. President (The Honourable Sir Abdur Rahim) : When was the report presented to the House ?

The Honourable Sir James Grigg : The report, Sir, has been before the House for a fortnight or so. As regards the Honourable Member's suggestion that I should postpone it, I was quite prepared to postpone the discussion of the Public Accounts Committee's Report and the supplementary grants in accordance with the informal conversations I have had with my Honourable friend's leaders but I see no point in postponing these excess grants, which are matters of routine, recommended by the Public Accounts Committee and the full knowledge of which has been possessed by Honourable Members for at least a fortnight.

Prof. N. G. Ranga : My other point has not yet been answered.....

Mr. President (The Honourable Sir Abdur Rahim) : Was the Honourable Member a member of the Public Accounts Committee ?

Prof. N. G. Ranga : Yes, Sir. If it is to be postponed like this in an indefinite manner, I would like to suggest to the Honourable Member that in addition to consulting the Leaders of the different parties in the

House it is but fair that the members of the Public Accounts Committee should also be taken into his confidence so that he might ascertain their views as a body.....

Mr. President (The Honourable Sir Abdur Rahim) : Surely if the Leader of the Congress Party who is the Leader of the Opposition requested a postponement of the discussion, then the Finance Member was justified in agreeing to that.

The Honourable Sir James Grigg : Sir, I have no desire to postpone discussion now. If the acting Leader of the Congress Party expresses a desire to have a discussion now, I am quite agreeable. I have no views in the matter. I have only tried to meet the expressed request of the Congress Party that this discussion should be postponed and I really think it is a bit hard that I should be blamed, because the Honourable Member does not see eye to eye with his own leaders.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, a word of explanation has become necessary at this stage. I understand that it was the desire of some of the leading Members of my Party that the discussion of the Public Accounts Committee should not be taken up in their absence and the Honourable the Finance Member agreed to accommodate them, and I have no reason to complain against the Honourable the Finance Member for having acceded to that suggestion. As to his proposal that the report might be taken up today, I am not in a position either to press him not to do so or to do so although I do not want him to resile from any arrangements that may have been come to with him and to which I, too, have personally agreed ; if the Honourable the Finance Member thinks that the exigencies of public business demand that the Public Accounts Committee's Report should be discussed, I think I am not in a position to stand in his way ; indeed I have no strength here to resist him nor the desire to do so ; but the motion has to be made by him. In so far as he has acceded to the suggestion emanating from any of my colleagues, I am thankful to him. In so far as he wants to press for it if he chooses, I am not in a position either to resist his wish or to support it.

The Honourable Sir James Grigg : Sir, the only point that remains to be disposed of is what I understand to be the request of my Honourable friend, Professor Ranga, that these purely routine motions for excess grants which have been recommended by the Public Accounts Committee should be postponed until the Assembly has considered the motions standing in my name about the Public Accounts Committee's report. I see no rhyme or reason in that and I very strongly deprecate the postponement of these purely routine motions.

Prof. N. G. Ranga : Sir, I should be quite prepared to accept the argument of the Honourable the Finance Member and also the reasons why he has been obliged to postpone his decision ; I only wished to draw attention of the House to this fact that during the last Simla Session I think my Honourable friend, Mr. Satyamurti, made a very insistent request to the Honourable the Finance Member that he should take the earliest opportunity.....

Mr. President (The Honourable Sir Abdur Rahim) : Does the Honourable Member wish to discuss these excess grants, or not ? So

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[Mr. President.]

much time of the House has already been taken up in discussing this point and does the Honourable Member wish me to proceed with the agenda before the House, or not?

Prof. N. G. Ranga : I want to know whether the Honourable Member will be good enough to take the earliest possible opportunity in the winter Session to bring these two reports before the House for discussion?

The Honourable Sir James Grigg : It all depends what the Honourable Member means by "the earliest possible opportunity". In this matter of the Report of the Public Accounts Committee I am very largely in the hands of the House itself. Indeed the steps that Government have taken have all been at the wish or specific request of Members of the Honourable Member's own party. I am sorry that he is a dissenting tail of his own party in this matter, but I cannot help it. In the matter of the discussion of the Public Accounts Committee's Report I am quite prepared to do my best to meet the wish of Honourable Members of the House as to the time it should be discussed.

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

"That an excess grant of Rs. 2,350 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Excise'."

The motion was adopted.

DEMAND No. 20.—STAMPS.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 6,987 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Stamps'."

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

"That an excess grant of Rs. 6,987 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Stamps'."

The motion was adopted.

DEMAND No. 25.—INTEREST ON ORDINARY DEBT, AND REDUCTION OR AVOIDANCE OF DEBT.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 70,542 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Interest on Ordinary Debt, and Reduction or Avoidance of Debt'."

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

"That an excess grant of Rs. 70,542 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Interest on Ordinary Debt, and Reduction or Avoidance of Debt'."

The motion was adopted.

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DEMAND No. 26.—INTEREST ON MISCELLANEOUS OBLIGATIONS.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 1,37,097 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Interest on Miscellaneous Obligations'."

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhamadan) : Sir, the Honourable the Finance Member made the motion, and before you put the question as carried, are we not entitled to know why this excess grant has been incurred? Is there to be no explanation?

Mr. President (The Honourable Sir Abdur Rahim) : I always wait after I put the motion to the House. If the Honourable Member wanted to ask any questions from the Honourable the Finance Member, he could always do so.

Mr. Ram Narayan Singh : I am not making any complaint against you, Sir. I want to know why this excess grant has been asked for. I want an explanation.

Mr. President (The Honourable Sir Abdur Rahim) : Does the Honourable Member mean that the Honourable the Finance Member should explain every item?

Mr. Ram Narayan Singh : I think so.

The Honourable Sir James Grigg : The explanation of each item appears in the Report of the Public Accounts Committee.

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

"That an excess grant of Rs. 1,37,097 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Interest on Miscellaneous Obligations'."

The motion was adopted.

DEMAND No. 28.—EXECUTIVE COUNCIL.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 9,955 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of the 'Executive Council'."

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

"That an excess grant of Rs. 9,955 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of the 'Executive Council'."

The motion was adopted.

DEMAND No. 29.—COUNCIL OF STATE.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 3,790 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Council of State'."

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

"That an excess grant of Rs. 3,790 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Council of State'."

The motion was adopted.

DEMAND No. 30.—LEGISLATIVE ASSEMBLY AND LEGISLATIVE ASSEMBLY DEPARTMENT.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 1,114 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Legislative Assembly and Legislative Assembly Department'."

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

"That an excess grant of Rs. 1,114 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Legislative Assembly and Legislative Assembly Department'."

The motion was adopted.

DEMAND No. 32.—HOME DEPARTMENT.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 4,798 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Home Department'."

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

"That an excess grant of Rs. 4,798 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Home Department'."

The motion was adopted.

DEMAND No. 42.—PAYMENTS TO PROVINCIAL GOVERNMENTS ON ACCOUNT OF ADMINISTRATION OF AGENCY SUBJECTS.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 1,583 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Payments to Provincial Governments on account of Administration of Agency Subjects'."

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

"That an excess grant of Rs. 1,583 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Payments to Provincial Governments on account of Administration of Agency Subjects'."

The motion was adopted.

DEMANDS FOR EXCESS GRANTS FOR 1934-35.

DEMAND No. 44.—ADMINISTRATION OF JUSTICE.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 250 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Administration of Justice'."

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

"That an excess grant of Rs. 250 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Administration of Justice'."

The motion was adopted.

DEMAND No. 47.—LIGHTHOUSES AND LIGHTSHIPS.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 43,460 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Lighthouses and Lightships'."

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

"That an excess grant of Rs. 43,460 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Lighthouses and Lightships'."

The motion was adopted.

DEMAND No. 50.—GEOLOGICAL SURVEY.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 247 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Geological Survey'."

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

"That an excess grant of Rs. 247 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Geological Survey'."

The motion was adopted.

DEMAND No. 53.—ARCHAEOLOGY.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 10,837 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Archæology'."

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

"That an excess grant of Rs. 10,837 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Archæology'."

The motion was adopted.

DEMAND No. 58.—PUBLIC HEALTH.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 25,329 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Public Health'."

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

"That an excess grant of Rs. 25,329 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Public Health'."

The motion was adopted.

DEMAND No. 63.—AVIATION.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 561 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Aviation'."

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

"That an excess grant of Rs. 561 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Aviation'."

The motion was adopted.

DEMAND No. 65.—CENSUS.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 130 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Census'."

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

"That an excess grant of Rs. 130 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Census'."

The motion was adopted.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

DEMAND No. 67.—EMIGRATION.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 7,390 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Emigration'."

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Mr. Deputy President (Mr. Akhil Chandra Datta) : The question

"That an excess grant of Rs. 7,390 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Emigration'."

The motion was adopted.

DEMAND No. 72.—MINT.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 20,408 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Mint'."

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question

"That an excess grant of Rs. 20,408 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Mint'."

The motion was adopted.

DEMAND No. 75.—STATIONERY AND PRINTING.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 77,074 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Stationery and Printing'."

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question

"That an excess grant of Rs. 77,074 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Stationery and Printing'."

The motion was adopted.

DEMAND No. 76-A.—EXPENDITURE ON RETRENCHED PERSONNEL CHARGED TO REVENUE.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 632 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Expenditure on Retrenched Personnel charged to Revenue'."

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question

"That an excess grant of Rs. 632 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Expenditure on Retrenched Personnel charged to Revenue'."

The motion was adopted.

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DEMAND No. 76D.—TRANSFER TO THE FUND FOR THE ECONOMIC DEVELOPMENT AND IMPROVEMENT OF RURAL AREAS.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 1,68,60,409 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Transfer to the Fund for the Economic Development and Improvement of Rural Areas'."

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

"That an excess grant of Rs. 1,68,60,409 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Transfer to the Fund for the Economic Development and Improvement of Rural Areas'."

The motion was adopted.

DEMAND No. 77.—REFUNDS.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 2,31,836 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Refunds'."

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

"That an excess grant of Rs. 2,31,836 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Refunds'."

The motion was adopted.

DEMAND No. 88.—HYDERABAD.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 614 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Hyderabad'."

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

"That an excess grant of Rs. 614 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Hyderabad'."

The motion was adopted.

DEMAND No. 96.—COMMUTED VALUE OF PENSIONS.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 2,62,724 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Commuted Value of Pensions'."

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

"That an excess grant of Rs. 2,62,724 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Commuted Value of Pensions'."

The motion was adopted.

DEMANDS FOR EXCESS GRANTS FOR 1934-35.

DEMAND No. 98.—INTEREST-FREE ADVANCES.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 7,632 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Interest-free Advances'."

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

"That an excess grant of Rs. 7,632 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Interest-free Advances'."

The motion was adopted.

Railways.

DEMAND No. 2.—AUDIT.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 1,113 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Audit'."

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

"That an excess grant of Rs. 1,113 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Audit'."

The motion was adopted.

DEMAND No. 4.—REFUNDS.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 38,914 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Refunds'."

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

"That an excess grant of Rs. 38,914 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Refunds'."

The motion was adopted.

DEMAND No. 5.—PAYMENTS TO INDIAN STATES AND COMPANIES.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 6,54,609 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Payments to Indian States and Companies'."

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

"That an excess grant of Rs. 6,54,609 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Payments to Indian States and Companies'."

The motion was adopted.

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DEMAND NO. 5B.—WORKING EXPENSES—MAINTENANCE AND SUPPLY OF LOCOMOTIVE POWER.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 11,24,912 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Working Expenses—Maintenance and supply of Locomotive power'."

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

"That an excess grant of Rs. 11,24,912 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Working Expenses—Maintenance and supply of Locomotive power'."

The motion was adopted.

DEMAND NO. 6C.—WORKING EXPENSES—MAINTENANCE OF CARRIAGE AND WAGON STOCK.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 8,17,265 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Working Expenses—Maintenance of carriage and wagon stock'."

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

"That an excess grant of Rs. 8,17,265 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Working Expenses—Maintenance of carriage and wagon stock'."

The motion was adopted.

DEMAND NO. 6E.—WORKING EXPENSES—EXPENSES OF TRAFFIC DEPARTMENT.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 2,85,458 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Working Expenses—Expenses of Traffic Department'."

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

"That an excess grant of Rs. 2,85,458 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1934-35, in respect of 'Working Expenses—Expenses of Traffic Department'."

The motion was adopted.

DEMAND FOR SUPPLEMENTARY GRANT IN RESPECT OF RAILWAYS.

PAYMENTS TO INDIAN STATES AND COMPANIES.

Mr. P. R. Rau (Financial Commissioner, Railways) : Sir, I beg to move :

"That a supplementary sum not exceeding Rs. 11,45,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1937, in respect of 'Payments to Indian States and Companies'."

DEMAND FOR SUPPLEMENTARY GRANT IN RESPECT OF RAILWAYS. 3265

I trust that no speech is necessary in respect of this motion. These contractual payments and they depend on the actual net earnings of certain railways during the year 1935-36. The necessity for this extra sum follows automatically from the welcome fact that the net earnings of two railways during 1935-36 were much higher than anticipated.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

"That a supplementary sum not exceeding Rs. 11,45,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1937, in respect of 'Payments to Indian States and Companies'."

The motion was adopted.

The Honourable Sir James Grigg : Sir, the next three items are items which, at the request of the Party opposite, I do not propose to move at this stage.

Mr. Deputy President (Mr. Akhil Chandra Datta) : This disposes of Items 1, 2 and 3 under the head "Demands for Supplementary Grants for 1936-37."

REPORTS OF THE PUBLIC ACCOUNTS COMMITTEE.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The House will now proceed with the consideration of the reports of the Public Accounts Committee.

The Honourable Sir James Grigg (Finance Member) : May I explain the position about this? Though the first motion has been moved and the debate has been begun, the wish was expressed to me by leaders of the Party opposite that it should be postponed and taken together with the second motion at a more convenient time. Of course, in this matter, I am in the hands of the House because the motion has already been moved.

Mr. Deputy President (Mr. Akhil Chandra Datta) : May I have the opinion of the House on this matter?

Several Honourable Members : Let the debate on these two motions be postponed.

[Further consideration of the two motions was, by leave of the Assembly, postponed.]

THE MANŒUVRES FIELD FIRING AND ARTILLERY PRACTICE BILL.

Mr. G. B. F. Tottenham (Defence Secretary) : Sir, I beg to move :

"That the Bill to provide facilities for military manœuvres and for field and artillery practice be circulated for the purpose of eliciting opinion thereon."

Sir, I wish to make it quite clear at the outset that we have no desire whatever to rush this Bill through the House. We realise that it contains certain provisions which may prove contentious and which will require discussion in the light of public opinion. We do not at this stage

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[Mr. G. R. F. Tottenham.]

even ask the House to accept the principle of the Bill. All that we are asking the House to do today is to agree that it should be circulated for the purpose of obtaining advice, and criticism and opinions thereon. I can assure the House that, if that course is adopted, the next step will be to refer the Bill to a Select Committee, in which its clauses can be considered in detail in the light of the opinions that we receive as a result of circulation. The only reason why I am making this motion at this stage of the present Session is to avoid ultimate delay. If I had only been able to make this motion at the beginning of the next Session in Delhi, the Bill would not have returned from circulation until after that Session and we should not have been able to set up the Select Committee until the Simla Session next year and it might have been the Delhi Session 1938 before the Bill could be taken into consideration. That, Sir, is the only reason why I am putting this motion before the House today.

I should now like to say just one or two words about the principles and the purposes of the Bill. I have attempted to explain them as clearly as possible in the Statement of Objects and Reasons, but I hope the House will accept this Bill for what it really is, and that is a genuine gesture of responsiveness on our part. We came in for a certain amount of criticism last year in connection with certain artillery practices that took place, and I was asked questions on the subject in this House. Subsequently Government looked into the matter more closely and they were satisfied that the position was by no means satisfactory from the point of view of the public. Incidentally I may also add that the position is not altogether satisfactory from the point of view of the military authorities also. It will, I hope be agreed by the House that if we are to have an army at all, these operations, manoeuvres and field firing and artillery practices and so on, must continue to take place. And, if they are to continue to take place, the conditions in which they do should be regularised and put on a proper legal footing. That, Sir, is the principle of the Bill. As I said before, as regards details we shall be quite prepared to go into consultation when opinions have been received as a result of circulation. I can assure the House that everything that we have put in this Bill at the present moment does not represent the fixed and unalterable decision of Government. We shall be quite prepared to negotiate on details when the time comes and we shall endeavour to be as accommodating as possible. On that understanding, I do hope that the House will agree to my motion for circulation and that we shall be able to pass on very shortly to the next item on the agenda. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Motion moved :

"That the Bill to provide facilities for military manoeuvres and for field and artillery practice be circulated for the purpose of eliciting opinion thereon."

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I rise to oppose the motion for circulation of this Bill. I concede a certain amount of fairness to my Honourable friend, Mr. Tottenham, in stating that he does not want the House to accept the principles enunciated in the Bill. So far as that goes, it is all right, but why should this House agree to circulate this Bill which is drafted on the principle of encroachment on the liberties of the people and on the duties of the civil administration of the country.

THE MANOEUVRES FIELD FIRING AND ARTILLERY PRACTICE BILL. 3267

I do often criticise the civil administration of the Government of India and the Provincial Governments, yet I must say that at times the civil administration tries to interpret the law in the best sense that it can do. But here if I read aright the Statement of Objects and Reasons and the clauses of the Bill which are sought to be incorporated, the principle which the Defence Secretary has enunciated will place the Officers Commanding the Army above the civil officers of the district and the civil officers will not have any say in the matter until compensation is awarded. Paragraph 3 of the Statement of Objects and Reasons says :

"The Indian practice is not altogether satisfactory from the point of view either of the public or of the Army and it is felt that the time has come to regularise it by putting it on a legal basis."

But the draft Bill only confers special privileges to the Army. When an army wants to practise manoeuvres in any locality, an officer is deputed by the District Magistrate of the district to accompany the army to settle the terms of compensation, but if this Bill is enacted into law in the form as it is drafted or in any modified form incorporating the principle that has been defined by the Army Secretary, it will take away that power of the civil administration.

Sir, my greatest objection to the Bill is that under the new Government of India Act defence will be a reserved subject and it will be the special responsibility of the Governor General and no concern of the Governor General in Council. I cannot understand why the present Governor General in Council should be so much concerned as to curtail their own liberty and to curtail the liberty of the district administrators of the provincial Governments. Sir, provincial autonomy is supposed to come in April 1937. We have often declared that it is not autonomy in the real sense, but from the other side on the Treasury Benches it has been urged that the autonomy would be a real one. Why it is on the eve of the functioning of provincial autonomy in the provinces Government think of legislating so that the military authorities should have martial zones in every province and the provincial Governments, the Ministry or the district officers will have no say in the matter. Why should information be at all collected, if Government want to collect information, let these autonomous provinces function first and let the Ministers come into being and then let them interpret the Government of India Act as it has been drafted. (Interruption from Mr. K. Ahmed). I hope my Honourable friend will take some pains to study the Government of India Act and its implications. There will be no Army Secretary in the new Federal Legislature, there will be an Army Councillor who will not be subject to the vote of the Federal Legislature. Sir, it is most surprising that Government should think of coming by the backdoor and to legislate this measure before provincial autonomy comes into being to exercise control not only over the provincial Governments, but over the district officers. As far as I understand the present practice is that when army manoeuvres take place in any area for temporary occupation or for temporary evacuation of houses, compensation shall be paid. But the draft clause 9 of chapter II includes a proviso :

"Provided that no compensation shall be payable for the temporary evacuation of buildings on land over which a right of user for the purpose of field firing or artillery practice has been acquired under the provisions of section 8."

[Mr. B. Das.]

The most surprising thing is that any civilised Government can introduce such a provision in any legislation.

Mr. G. R. F. Tottenham : Has the Honourable Member read section 8?

Mr. B. Das : Yes, I have read it.

Mr. G. R. F. Tottenham : Compensation is provided for in section 8?

Mr. B. Das : I have read section 8 ; then why this proviso that for temporary evacuation no compensation will be provided ? Up till now a civilian officer, either one belonging to the provincial civil service or the Indian Civil Service used to settle these things before army manoeuvre takes place, but sections 5 and 6 take away that power. Section 6 provides that the Officer Commanding the forces will first settle what compensation should be paid to the villagers. Then if there is a difference the District Magistrate and the Officer Commanding will appoint an equal number of officers to settle the dispute. Thereafter if there is disagreement the District Magistrate will function. That means that the District Magistrate, whatever his lapses may be and how often I might have criticised his action, abdicates his right of looking after the welfare of his villagers after such an Act comes into operation in this country. Sir, the Military Manœuvres Act and the Military Lands Act in England are mentioned here. We know what England is and what the British army in England is. It is a national army ; the people there have a deep and abiding interest in their welfare as the army takes interest in the welfare of the people. But I think the Defence Secretary will agree with me that in India the army does not enjoy the same reputation or the same confidence as it does in England. Whenever the British army or the Indian army, mercenary as it is, marches through the districts the people are awe-struck. They do not come with flowers and chocolates to welcome these soldiers. The children do not stride in martial steps alongside these regiments when they march through our towns and through our villages. Our people get frightened and conceal themselves in their homes lest there should be rudeness shown to them by the soldiers. And the provision is that any time the Commanding Officer may ask the villages to be evacuated so that the army may have a large area for manoeuvre purposes—Sir, the Defence Secretary is a well-known and able officer of the province of Madras where he enjoyed a very high reputation as a district administrator. Does he realise what hardship it would cause to the villagers who are living from hand to mouth, if they are suddenly asked to evacuate and live somewhere else ? I do not know where the villagers will go. Sir, my fear is that if this House and the country support the idea included in this draft Bill, after the Federation there will be manoeuvres all over India in every province. The Defence Secretary shakes his head. I wish he will be here then to justify his position. We know what was attempted in London when the Joint Parliamentary Committee was sitting. We know how through the Joint Parliamentary Committee report attempts were made by certain sections of the civil service and by my friends of the European group to make excluded areas and partially excluded areas

as centrally administered areas so that they will be completely under the Governor General and not under the Governor General in Council or under popular Ministers. The army would be stationed there, and if in any neighbouring provinces any desire is shown for larger freedom or any sign is shown for greater democracy, the army from these excluded areas can be sent straight to the British provinces to quell the " seditious " agitation, as it is interpreted in Government circles, of the people for their legitimate aspiration for Swaraj. We on this side do not admit that the new Government of India Act brings any dose of liberty to the people of India. On the top of that, that Government of India Act has completely taken away the army from the control of the Governor General in Council and from the control of the Indian Ministers, although at one time the Government of India were even willing to give a certain amount of control to the Ministers over the army. And when the Governor General alone is responsible for the proper behaviour of the army, the country will not be foolish enough to enlarge the power of the Governor General, so that the army can go to any place it likes and can order innocent people living happily in their surroundings to evacuate their homes. Sir, these are my grounds for opposing this Bill and I do hope everyone on this side of the House will oppose it.

Mr. Mohan Lal Saksena (Lucknow Division : Non-Muhammadan Rural) : Sir, I am not unaware of the fact that the House is in no mood to hear any more speeches, and particularly from the back benches. But still the Bill before us is one the provisions of which affect a very large number of our countrymen, particularly those residing in rural areas, their peace and property, and in certain eventualities even their limb and life. And as such I feel it would have been much better if the Bill had not been introduced at this fag-end of the Session. But now that my Honourable friend, Mr. Tottenham, has thought fit not only to introduce the Bill but also to move for its circulation to elicit public opinion, I think it will not be proper for this House to pass that motion without expressing its own views on this particular measure. Sir, I am one of those who believe that in our own country our countrymen should have the same measure of freedom and security as Englishmen have got in England, and to that end we on this side have been striving both here and outside. It is therefore by this standard that I propose to examine the provisions of the Bill. I agree with Mr. Tottenham that the present practice of manoeuvres causes a great deal of hardship and inconvenience to people, as was brought out by the Babina incidents, but it does not follow that I agree with him that the present practice should be incorporated in an Act and should be legalised. I know that in the Statement of Objects and Reasons it has been stated that a similar law exists in England. I have studied that law. It was passed in 1897 : but what did I find ? The first thing that struck me was that while in England any place could be specified for manoeuvres only once in five years, this Bill makes a provision by which any place may be declared or authorised to be used for military manoeuvres once in two years. May I know the reason for this provision ? Is it not a fact that India is at least sixteen times as big as England ? Again, is it not a fact that the army in India ? Therefore if in a small country like England, the Military Manœuvres Act provides that no place shall be specified more than once in five years, on the same ratio in India no place should be specified more than once in eighty years. Why should

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the interval be so small in India? I hope my Honourable friend will take this fact into consideration.

Another thing which struck me was the manner of notification. This Bill provides that before any place is specified for military manoeuvring a notification shall be published in the local gazette by the Local Government at least one month before the actual time of the manoeuvres and later on it says that within one month the District Magistrate shall take steps to notify the order to the people of the locality by such means or in such manner as he may consider necessary. But in the English Act we find that that Act provides for at least six months' notice to be given to the people before any place is declared for purposes of manoeuvring; and not only that: it does not merely say that it should be published in the Gazette, but it says that a draft of the order should be sent to all the county councils and to all the borough councils and, if it is a forest area, to the court of verdures, and that should be done at least six months before the actual promulgation of the order. We know that in England the adults are practically all literate, while in India it is not so; our gazettes are published in English: how many people of villages, where these manoeuvres will take place, know English I need not say. The English Act further provides that at least three months before the actual date, this draft order shall be published in the papers that are circulated in the locality. Here we find that there is no such provision as to how the District Magistrates will notify. How they have been notifying we know very well from the Babina incident. The Honourable Mr. Tottenham in reply to questions by my Honourable friend, Mr. Paliwal, in regard to Babina manoeuvres said that one week before they took place, the District Magistrate was informed: and how were the people notified? Through chowkidars and patwaris. In an area which covered as many as twenty villages and which affected as many as six thousand people, he says at least four days before actual evacuation the District Magistrate had sent information through patwaris and chowkidars; and we know how this information must have been carried and the result was that it has been admitted that one man died and one woman was forcibly taken out of her house a few hours before she was delivered of a child....

Mr. G. R. F. Tottenham: We want to improve matters.

Mr. Mohan Lal Saksena: I agree with you and I support the Bill—and I say we must have a Bill: but I do not agree that your present practice must be legalised. I say we must have a Bill which must be on all fours with the English Act. As I said, we want the same measure of freedom and security for our countrymen as you have in England. That is my contention. I am not opposed to the circulation of the Bill.

There is another point. We find that in the English Act there is a provision for the appointment of a Manoeuvres Commission. It is left to the officer in command or any military officer to control the situation. There is a Manoeuvres Commission: and how is it appointed? Two representatives each from every county council in the area and one representative each from every council of county borough and if there is any forest there, two representatives from that court of verdures. A number of persons are also nominated by the Secretary to the Government: but it is provided that in no case the number of persons so nominated will

exceed the numbers of the representatives of the county councils and boroughs. The Manoeuvres Commission controls the whole situation. There is not only a non-official elected majority the representatives of the people, but they also decide as to which of the roads, which of the sources of water supply and which land are to be used for the purposes of the manoeuvres: and before they decide themselves, they have to publish their own proposals for objections: There is also provision that before the manoeuvres are held there must be a public meeting where these objections should be heard and disposed of. These are the provisions, and statutory restrictions before the civil liberties of the people are allowed to be curtailed or invaded, as this Bill proposes to do....

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): That place will come when you get dominion status.

Mr. Mohan Lal Saksena: I do not care for dominion status. I want nothing but independence and I will fight for it to my last breath. You may content yourself with dominion status or any other status, but I will have no status except that which any other free nation in this world enjoys.

The Manoeuvres Commission has got another power. It is the power of appointing the compensation officer. It is not the Government which appoints the compensation officer: it is the commission which does so and then it is said that if a claimant makes a claim for damages or for compensation and if the compensation officer does not agree with the claimant, automatically the claim will be treated as an application to refer the matter under the Arbitration Act, and then it is decided what amount of compensation and damages the particular person is entitled to get. I want that we must have some such provision, and some such committee. We must have a provision and we must have a committee which should have elected non-official representatives in a majority on it, which should decide as to who shall be the compensation officer, which lands, roads and water supply sources will be allowed to be used by the troops for purposes of manoeuvres and what other conditions are to be observed.

Again, it is provided in this Bill by sub-clause (2) of clause 3:

"The provisions of sub-section (1) shall not authorise entry on or interference with any place of worship or ground attached thereto or any burial ground or any dwelling house or premises attached thereto or any school, factory, workshop or store or any premises used for the carrying on of any trade, business or manufacture or any garden or pleasure ground."

There is a very similar provision in the English law, but in the English law we have another provision that no place of historic or antiquarian interest shall be interfered with or trespassed. Why this omission in this Bill? Is it not a fact that in India we have a larger number of places which are of greater historical interest, which are of greater antiquity, than those in England? Then, why is no provision made like the one in the English Act, in this Bill?

Mr. K. Ahmed: You will do that when you get Federation.

Mr. Mohan Lal Saksena: Damn your Federation. I will not have it. I will not let it come, if I can help it. (Laughter.) There is one other point. In the English Act provision is made that it will be this

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Commission which will determine, after taking into account the necessities and requirements of the people, how much water can be taken by the troops, but here we find :

" Nothing herein contained shall authorise the taking of water from any source of supply, whether belonging to a private owner or a public authority, of such amount as to curtail the supply reasonably required."

Reasonably ! Who is going to determine this " reasonably " ? Who is going to interpret this word ? It will be, again, the army officials. They will interpret as it would suit their needs. While in England although there is the Manoeuvres Commission, a non-official authority to interpret, still we do not find the word " reasonably " in the English Act. There, we find the words, after taking into account the requirements of the people concerned, it shall be determined as to how much water supply will be allowed to the troops.

These are some of the points which occurred to me while cursorily going through the provisions of both this Bill and the English Act. I want to inform my Honourable friend, Mr. Tottenham, at what rate compensation is being paid today. Does he know that in the Babina incident, while 6,500 people were affected.....

Mr. K. Ahmed : It will be your own Government, why do you ask for compensation ?

Mr. Mohan Lal Saksena : It shall not be my Government again, you may take it from me.

About 6,800 persons were affected. One person died and the amount of compensation allowed was Rs. 5,815. The total is 6,667, and then we are told that they were paid according to the United Provinces Revenue Manual. What does it provide ? It provides that every man shall be paid at the rate of Re. 0-2-6 and every woman and child above 15 shall be paid at the rate of Re. 0-1-6. It is not for every day. In every month it shall be after the first day that he or she will be paid, in every season it shall be after the fourth day that he or she will be paid. If in a season the manoeuvres are only held for four days, he or she will be paid anything. It may be said that this is quite ample. In the reply Mr. Tottenham was made to say,—I do not know whether he subscribed to it,—that this was more than enough.

Mr. G. R. F. Tottenham : Did I say so ?

Mr. Mohan Lal Saksena : Yes. You did say, Government thinks it is enough :

" The rates at which this is paid are those laid down in paragraph 1601 of the United Provinces Revenue Manual.... These rates are, it is understood, determined for the whole of British India."

Then, the reply says later on, I need not read it, that they are considered to be ample. May I know how many Members here would like to be turned out of their houses if they are paid even at the rate of one rupee per day ? May I know how many of them are prepared to be turned out of their houses even if they are paid even more ? I think the House will agree the existing practice is not satisfactory. We must take into account not the rate at which labourers are employed, but you have to take into account not only their loss of labour but also that they have

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to go out of their houses, leave their houses, take their children and women to some other place ; that necessarily involves so much hardship and inconvenience, and also necessitates so much extra expenditure as in many cases these places are very distant from the place where the manoeuvres are held. If the Honourable Member wants that because of this Babina incident we must pass this Bill and legalise the present practice he must not expect any support from us. But if he really desires that in this country we must have a similar Act as in England, I may tell him that notwithstanding the great hardship and inconvenience, notwithstanding the fact that this army is an army of occupation, is an army for which we have no love and no regard, still to save our people from inconvenience, hardship and arbitrary orders, we would not mind being a party even to this Bill and the provisions I have suggested are incorporated.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : I would like to draw attention to a few points in connection with this Bill. My first point is that the method proposed about the payment of compensation in this particular Bill is not very desirable. I think we should adopt the same practice as is now being adopted in the case of land acquisitions. If payment is not made by mutual consent, the District Magistrate first fixes the amount, but the person aggrieved has got the right of appeal to the Judge and also to the High Court. So, if a person to whom the compensation is given is not satisfied with the amount of compensation proposed either by the military authorities or by the District Magistrate as provided in this clause, he should have a right of appeal to the High Court in the same manner as a person whose land is compulsorily acquired.

Mr. G. R. F. Tottenham : This is compensation for damage.

Dr. Ziauddin Ahmad : My point is that compensation for damage should be put on the same footing as compensation for compulsory acquisition of land.

The next point which I want to urge is that I hate in any Bill the rule making powers, because you take away the right of the Legislature. I do not mind if the rule making power is restricted to the routine business of convening meetings, issuing notices, etc., but if it goes to any larger extent, then I think the rules ought to be printed as a schedule to the Bill so that we may visualise what they would be. In this particular case the power which is demanded in the case of the rules goes much higher. Sub-clause (3) of clause 10 of the Bill says :

" Any rule made under this section may provide that a breach of the rule shall be punishable with fine which may extend to fifty rupees."

This power of fine may be provided in the Act and it should be passed by the Legislature, but I think it is wrong to demand this power under the rules. I think this power which is demanded under sub-clause (3) of clause 10 of this Bill goes really far beyond the scope of the rules. I think this particular provision should never be there and if the mover of the Bill is very anxious to have this thing, let it be openly debated on the floor of the House and decided by the vote of the House. I think it is incorrect to take this power for the Governor General in Council.

The next thing I want to refer to is clause 2 (1). We know what the Local Government today is, and we are in the dark as to what the Local Governments will be like after 1st April next year and I welcome the

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suggestion that we ought to wait till provincial autonomy has come into existence. We should see what the new Local Governments would be and then we should legislate. We do not know now whether the Local Government will mean Governor in Council acting with his Ministers or the Governor himself. The meaning will be quite clear when this Bill is legislated after provincial autonomy has come into existence.

The next point to which I would like to draw attention is the enormous land which the military authorities now occupy for no definite purpose. We are suffering on account of there being not enough land for agriculture. At every twelve miles the military have got enormous lands reserved for camping. These lands were necessary in the days of slow marches on foot or by ponies but in these days when the army moves by motor lorries or trains, these lands should be given up and used for agricultural purposes. The possession of these lands by the military is unjustified and I hope that the Army Secretary will note this and give up the lands which they are now occupying only by way of tradition. They should be given back to the local zamindars at the prices at which they were purchased and not at exorbitant prices, so that land under agriculture may be increased. In every province we are making efforts to utilise every bit of uncultivated land and it is not justified to keep these large plots of land which they are never going to use. As military science advances, the necessity of these lands will diminish. These lands are absolutely unnecessary for the military and they should be given up immediately.

The next point to which I draw attention is that the notice given in this Bill is short. If you want to take the land of the agriculturists you give them at least six months notice. One month is not sufficient.

Mr. G. R. F. Tottenham : There is no question of taking up land for manoeuvres. We are only making provision for the army to pass over the land. They may or may not pass over particular areas of land.

Dr. Ziauddin Ahmad : If the land is under cultivation and there is a crop growing and you take the land for marching purposes, then the crops will all be damaged. The cultivator will really be wasting his money in sowing that crop. If the cultivator has six months notice, he will not spend his money in watering the fields and sowing and will keep it free. In that way it will be a saving for the Army Department also because they will not have to pay much compensation. So, it is really to the advantage of the Army Department to give six months notice.

The next thing to which I would draw attention is that whenever you take away the land and the crops, you must not only give them money for their means of subsistence but also provide dwelling houses, fodder, grain.

Whenever you take the land for this purpose there is bound to be shortage of food and fodder. So when Government wants these places to be vacated, they should also provide fodder to the villagers. These are the really important points in this Bill. I hope that when the Bill is circulated the points that I have mentioned will be considered and in the new Bill which the Army Secretary may bring up all these points will be provided for. I will come forward with a definite proposition that all the land which is now in the possession of the Military authorities, and which is no longer required for military purposes will be handed over to the local zamindars at the prices at which they were purchased.

Mr. Ghansham Singh Gupta (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, my friend, the Honourable the Defence Secretary, has earned the reputation of fairness. I hope he would exercise that fairness in this Bill also. In this proposal for circulation I want to bring certain facts to his notice so that all those facts may be considered by him and the general public whose opinion is invited. Now, there is one thing that should not be forgotten, and especially an Honourable Member who brings a Bill of this sort must not forget, namely, the feelings of an average English soldier towards an average Indian. There is no doubt of this that the average English soldier has no good feelings for an average Indian. I need not cite instances. There are many. Especially in my own Province the instance of Benda is quite fresh. Therefore, in framing a Bill of this sort it would not do merely to copy the English Act. As my Honourable friend, Mr. Saksena, has said, and I shall refer to it later on, even with regard to copying the English Act, it does not provide all those protections, it is even much less than that. I would wish that this Bill which will come before us afterwards should be so framed as to give greater protection to Indians than those given to the average Englishman in England. My friend, Mr. Saksena, referred to many points of difference between the English Act and this Bill. I may tell you that on all major points this Bill wholly fails even to go near the English Act. Now five important matters are dealt with in this Bill. The first is with regard to the issue of a notification, the second is with regard to exemption from entry on or interference with any place of worship, etc., during manoeuvres; the third is with regard to the question of compensation, the fourth is with regard to the compulsory acquisition and its mode, and the fifth concerns the rule-making powers of the Governor General. In respect of all these points, the present Bill falls very far short of the English Act which it professes to copy. Most of the points have already been dealt with by my Honourable friend, Mr. Saksena. For instance, no notification can be issued under the English Act unless the draft order remains in both Houses of Parliament for thirty days. Now there is no such provision in this Bill. For not a single day this draft order may remain with the local Legislative Council or in the Assembly. We would like that if it professes to copy the English Act, it should remain before the Provincial Assembly for at least thirty days. Now, Sir, the next question concerns exemption from entry on or interference with any place of worship, etc., during manoeuvres. In respect of this also the present Bill hopelessly fails to approach the English Act. In the English Act, apart from the many things mentioned in this Bill, there are certain other places that are exempted from interference during manoeuvres. There are the farm yards, gardens, pleasure grounds, nurseries and places of antiquarian and historical interest. This Bill wholly fails to give any protection to any of these. Therefore, the claim that it purports to copy the English Act does not hold good. Then, another very bad feature is about the compensation. Here, Sir, who is to judge of the compensation? The compensation is to be decided, if no amicable settlement is arrived at, by a commission composed of the nominees of the Officer Commanding the forces and the nominees of the District Magistrate, and if they cannot come to an agreement, then the District Magistrate will decide the compensation. I say this is most inadequate. What do we find in the English Act? In that Act there are persons who are appointed by the County Councils. Not only that, but the Secretary of State nominates persons who own or who occupy land in the area where the manoeuvre is to go on.

[Mr. Ghanshiam Singh Gupta.]

Now we have no such safeguard here. When you have got on the Committee such persons who either own or occupy land in that area, have local knowledge, and have things at stake; then they can really judge things better, that is of course satisfactory. Now on the occasions of these military manoeuvres, the military authorities would control practically everything so far as their relations with the public are concerned.

Mr. K. Ahmed : Magistrates will be appointed in future by the Ministers.

Mr. Ghanshiam Singh Gupta : By you, I think !

Mr. K. Ahmed : No, by the Ministers of your Province.

Mr. Ghanshiam Singh Gupta : Then as regards the powers of the commission under the English Act, they are very wide. They protect the public in every way. They control the mode and the method of use of those areas. They also determine what areas should be left out or included. They revise their draft in the light of the objections that the local people submit before them. As regards the manner of giving compensation also, they appoint a compensation officer, who fixes the compensation by agreement between himself and the claimants. Now there is no such provision here in this Bill. If there is a difference between the two, the case goes to arbitration and the provision of the Arbitration Act of 1889 applies. The Arbitration Act of England is much better in this respect. Now, when we come to the question of punishment, the maximum punishment in the English Act is only £5. Here the Bill says, "Rupees fifty". Now there is one more important point and that is about the compulsory acquisition of land. Here under clause 8 there is the compulsory acquisition of land by the Local Government and the Land Acquisition Act will apply. There, Sir, in England, under the Military Lands Act of 1892 no compulsory acquisition is allowed without the sanction of Parliament. There is no safeguard here. As soon as the Local Government thinks that a particular land must be acquired, it has to be acquired. Under the English Act—not the English Manoeuvres Act—this is the Military Lands Act of 1892,—under that Act, no acquisition is permissible unless it has the sanction of Parliament. Now we should have some such provision here. No land for this purpose must be acquired unless either the Provincial Legislative Assembly agrees to it or this Assembly agrees to it. In the English Act, there is one more important thing, if any perpetual lease or if any lease for a long period has been taken by the military authorities and if this leased land is not used for one year, then the lease ceases and the land reverts to the original owner. Here, clause 8 of the Bill makes no such provision. But the most objectionable part of this Bill is the rule-making power of the Governor General in Council. Sir, we know how the Governor General in Council uses such powers when we equip him with them. If you read clause 10 of this Bill you will come to understand that the whole Act can be made nugatory by the rule-making power of the Governor General in Council. Sub-clause (1) of clause 10 says :

"The Governor General in Council may, by notification in the Gazette of India, make such rules as he considers necessary for carrying out the purposes of this Act."

Now, the purposes of this Act may be anything.

Dr. Ziauddin Ahmad : Manoeuvres.

Mr. Ghanshiam Singh Gupta : If, for the purpose of manoeuvring, the Governor General in Council thinks any set of rules to be necessary, the Governor General in Council will make those rules. What a power you want to give to the Governor General in Council ! He can make anything or unmake anything. If it is necessary for the purpose of manoeuvring to demolish certain building, he can do it. Of course, however he can do in spite of us and in which we have no hand, let him do it. But when the Army Secretary wants us to agree to a certain Bill, then we must see that it is reasonable and that we get reasonable protection from it. Sub-clause (2) of clause 10 gives certain details which, to my mind, mean nothing. It merely gives illustrations. It says :

"It is in particular and without prejudice to the generality of the foregoing power, the Governor General in Council may make rules."

This is the most objectionable part in the whole Bill. (Interruptions by Mr. K. Ahmed and Voices of "Do not take any notice of him.") I am advised not to mind you : you have created such a feeling against you in this House.

Mr. Deputy President (Mr. Akhil Chandra Datta) : May I say for the benefit of one or two Honourable Members that sometimes silence is golden and speech is silver.

Mr. Ghanshiam Singh Gupta : I was saying, Sir, that there is no corresponding clause in the English Act which corresponds to this rule-making power. What I want to say is this that we want a Bill which should go far ahead of the English Act, the reason being that the English soldiers in England have got good feelings for the English people. Here the army being the army of occupation, as my Honourable friend rightly remarked, there is no such feeling. If an Act is to be framed with our consent, then it must be so framed as to give greater protection to us than the average Englishman gets under the English Act. But this Bill, far from doing that, does not even go up to the English Act. Sir, I have no objection to the motion that the Bill be circulated.

Mr. M. S. Aney (Berar Representative) : Sir, I only want to make one or two observations in supporting the motion before the House. I do not think that, notwithstanding the criticisms offered on the provisions of this Bill, Members are opposed to the idea of the circulation. In fact, these criticisms are made with a view to inform the public outside of the points of view from which they should examine the provisions of this Bill and offer their opinions thereon. One important point in connection with this Bill is that it does away with the existing practice and tries to give a legal basis to the powers of the military authorities in getting certain advantages or facilities for the purpose of carrying on their military manoeuvres. The existing practice has been referred to in the Statement of Objects and Reasons. It says :

"At present with the co-operation of the civil authorities, the local military authorities come to an agreement with the owners of the land, and pay them compensation for any damage or inconvenience caused."

So, the existing practice is one of getting the co-operation of the owners on a voluntary basis. It is a matter of agreement. Now, that agreement is to be done away with by investing the military authorities with certain statutory powers. Up to this time the civil authorities have to approach the owners of the land and persuade them to come to some understanding with the military authorities in order that they should be

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able to make use of their land for the purpose of the military manoeuvres. This voluntary basis which was in existence up to this time is being done away with. It has been stated in the Statement of Objects and Reasons that there is a precedent for claiming such powers in the practice that prevails in England and in other countries. I do not, therefore, want to dispute that. It may be necessary from the military point of view. But we should remember that we are destroying one existing practice in which the military authorities had to come to some agreement with the owners of the land and that agreement is now going to be replaced by certain arbitrary powers which the statute gives to the military authorities. My point is that when we are taking away the arrangement of agreement with the owners of land that existed up to this time and replacing it by an arrangement in which there is an automatic authority obtained by the military authorities, we must see that the owners of land are not placed at a disadvantage. That is the main principle which should guide us in considering the provisions of this Bill. From this point of view we must also see that sufficient safeguards are introduced in this Bill to protect the rights of the owners of the land and they should get sufficient compensation for any damage that may be caused to their property.

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

In examining that point, I find that even there no such machinery has been set up which, to my mind, will inspire confidence and command the respect of all and satisfy any impartial man as regards the justice that we expect in matters of this kind from the Government. In this connection I will refer the House to the provisions of sub-clause (d) of clause 10. It says :

"In particular and without prejudice to the generality of the foregoing power, the Governor General in Council may make rules....."

(d) to regulate the procedure of and define the principles to be followed by commissions appointed under this Act in assessing compensation."

I wish to make it perfectly clear that principles of compensation are matters which are capable of being ascertained in the form of certain definite propositions and capable of being embodied in the statute itself. It is not safe, without meaning any disrespect to anybody, to leave it to the Governor General in Council to evolve those principles and promulgate them in the form of rules and regulations. This Act is clothing the military authorities with extraordinary powers for the purpose of carrying on military manoeuvres and as legislators must take care that proper and equitable principles for assessing compensation for damages must also be properly laid down and embodied in the statute itself. We should not leave it to the discretion of the Governor General in Council to evolve these principles and promulgate them in the form of rules. That is not a matter which should be left to the rule making power of the Governor General in Council. The Legislature itself must exercise this discretion and deliberate over the question and formulate those principles in the Bill. There is one more point. Even as regards the notice to be given to the people concerned about the particular land or particular tract being used by the military

authorities for the purpose of carrying on manoeuvres, the provisions are in my opinion innocuous and unsatisfactory. No specific method is prescribed here which the District Magistrate or the local authorities are called upon to follow in order to give particular notice to those people. It has been left to the District Magistrate to find out his own way of giving notice to the people. No definite method is laid down there. I really do not see what difficulty the framers of the Bill had in defining the particular method by which the people ought to be informed that at such and such a time such and such a land will be taken possession of or that certain lands will be utilised by the military authorities for the purpose of carrying on manoeuvres. In every Act, we find that whenever notice is to be given certain detailed rules are framed, certain procedure is laid down as to how and in what form it should be given and as to what authority should give that notice, etc. Some such detailed conditions with regard to giving notice should also be embodied so that the people should not be taken unawares or the laches or the neglect on the part of the magistrate should not be a source of trouble or harassment to the people in the interest of carrying on certain military manoeuvres. We should save the people from the possible effect of negligence of District Magistrates; and some of them are negligent when popular interests are concerned. It is therefore necessary that the statute itself must prescribe the particular form in which notice is to be given. These are a few of the suggestions which I wanted to make in addition to those made by my other Honourable friends. My object is that people should consider this Bill as an important measure and although such powers will have to be conferred, they should also devote their attention to what they consider to be matters in which the Bill ought to be improved. With the few suggestions I have made, I have no difficulty in supporting the motion for circulation and I think the House also will accept the motion.

Dr. Khan Sahib (North-West Frontier Province : General) : Sir, I just wish to make a few observations for the consideration of the House and I should warn the House as to giving any power to the army which as you are well aware, Sir, is a reserved subject under the new Constitution. Moreover this instrument of oppression and suppression is always used by the exploiters to protect themselves from the poor people who are the real producers of every country. So their sole interest lies in the oppression of those who are really concerned in the development of the country for the benefit of those who are simply exploiters and moneylenders. I will just point out to the House that as far as the army is concerned in this country whatever power is given to them, they use it unconditionally and abuse it without asking anybody and the civil authorities knowing that their whole power is dependent upon the mercenary army never say anything where the army is concerned. I will tell you that in Peshawar the army has taken the land between Tehkal Bala and Tehkal Pagen for rifle practice and as far as compensation was concerned, the people were never consulted. They have got a wonderful way of doing things there. They have got honorary magistrates in certain places, who are used especially to suppress the people. No real remuneration is given to these people for their lands. The land of these people for cultivation is beyond the rifle range and the way to their fields passes through the range, which is often blocked and the peasants are prevented from getting to their

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fields in time. Every day rifle practice is going on and especially in summer the peasants have to get up early and go to their fields before the heat comes on, this under the circumstances is impossible for them to do. Apart from that, the irrigation water of Khalil and Mohmand is taken for the purpose of watering the gardens in the military officers' bungalows in the Peshawar cantonment.

Mr. K. Ahmed : Frontier Province is Frontier Province, Sir ?

Dr. Khan Sahib : My Honourable friend is a tower of ignorance. Though he has been a very old Member of this House, his mind is so polished with tar that not a single ray of light has penetrated through it during all these years he has spent in the Assembly.

It is a well known fact, Sir, that the people of Khalil and Mohmand brought up their case before the Government and even some of the civil officers have reported that land revenue should be reduced because the land could not produce the same harvest as it did when irrigation was allowed. Now, no notice is taken of that. You may go along any road on the Frontier, there will be huge areas marked out for aerodromes, for camping grounds and so on and yet no compensation has been paid to the people and if any has been paid, it is the middlemen who have profited by it. My point is this. If any power is given to these instruments of oppression, it ought to be limited and I say no military officers should sit on the committee which assesses compensation, nor any civil officer should be a member of that committee. It should consist entirely of peasants and the people to whom the land belongs. They must be on the committee and they must decide what the real price of the land would be. These are the suggestions I wish to make on the Bill.

Several Honourable Members : The question may now be put.

Mr. President (The Honourable Sir Abdur Rahim) : The question is that the question be now put.

The motion was adopted.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, before my Honourable friend speaks on this motion, I may just mention one thing. I understand that my Honourable friend, Mr. Tottenham, when he moved his motion for circulation of the Bill for eliciting public opinion, he did not specify the date by which the opinions should come in. I think under the rules this should be done and I suggest 30th April, 1937.

Mr. President (The Honourable Sir Abdur Rahim) : This is an original motion, and for this no date is necessary to be fixed. It is only in the case of an amendment that date should be mentioned.

Pandit Govind Ballabh Pant : The point is this. Rule 76 says that one of the motions that can be made may be in the form that it be circulated for the purpose of eliciting opinion thereon.

Mr. President (The Honourable Sir Abdur Rahim) : If you look at standing order 38 you will find that no date is mentioned there.

Pandit Govind Ballabh Pant : It is not given there but my submission is that it was not given there because it was considered redundant.

But in every case when a motion is made for circulation, a date should be given by which such opinion should be elicited, otherwise how is public opinion to be ascertained ? The public has no idea of the time at which the opinions must be given. Standing order 39 puts it down that the date should be specified.

Mr. President (The Honourable Sir Abdur Rahim) : That is only in regards amendments.

Pandit Govind Ballabh Pant : As regards amendments it is compulsory and there should be a date specified in the motion itself.

Mr. President (The Honourable Sir Abdur Rahim) : I understand the practice is that no date is mentioned in the case of original motions for circulation.

Pandit Govind Ballabh Pant : All the same I think it would be helpful to have some date so that people may know when to send their opinions.

Mr. President (The Honourable Sir Abdur Rahim) : That may be, but I cannot compel the Honourable Member to put down a date.

Mr. G. R. F. Tottenham : Sir, I did not quite catch the date the Honourable Member suggested. If it was after the next Session, so that the Select Committee can sit until this time next year, I am afraid I could not agree to that.

Pandit Govind Ballabh Pant : It was suggested by a number of speakers that this matter should be taken up after the new legislatures had been formed in the provinces. So I suggested the 30th April.

Mr. G. R. F. Tottenham : Sir, may I now reply to the debate ?

Mr. President (The Honourable Sir Abdur Rahim) : Yes.

Mr. G. R. F. Tottenham : In the course of what I have to say I will refer to the point which the Honourable Member raised just now.

It appears to me, after listening to the speeches made this afternoon, that there is no great opposition to this Bill going in circulation for the purpose of obtaining public opinion. A number of detailed suggestions have been made comparing the provisions of our Bill with the provisions of the English Act and making certain other suggestions on points of detail. I cannot possibly go into or answer all those matters of detail at this stage, but the speeches that Honourable Members made on those points will of course be circulated when the Bill itself is circulated, and they will be known to the public. There are, however, just two or three points of wider principle that I should like to make myself quite clear about. In the first place I should like to make it perfectly clear that we have no intention of regularising the existing practice. We acknowledge that the existing practice is faulty in many ways, and it is largely because we acknowledge that that we are bringing forward this Bill. As my Honourable friend, Mr. Aney, said, the present practice is based on agreement, and I think there is a sort of feeling or suspicion that that agreement is very often in the nature of a sort of compulsory agreement, that certain powers are exercised by the district officers or by the military authorities to compel agreements which the people themselves do not give willingly. That may or may not be so, but what we are aiming at now is to put the whole thing on a

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legal basis and to give the public and the owners of the land which we make use of for certain purposes a claim to put forward their case and to have it heard and examined and to receive compensation on a just and equitable basis.

Then, Sir, the other point that I want to make clear is this. A certain number of Honourable Members drew attention to the difference between the provisions of the English Act and the provisions of our Bill. I think it is necessary to point out that the conditions in India are of course very different from those in England. England is a very thickly populated country where there are not large open spaces available for manœuvres, and practically any area that is used for military manœuvres in England must contain a very large number of people and houses and private property, and therefore a very elaborate system is no doubt required in a country of that kind. In India we can generally find fairly sparsely inhabited areas over which to carry out our manœuvres, our field firing and artillery practice. And therefore possibly it is not necessary in India to go into quite the same detail as it is in England. Also it may be possible, if we select (say) a suitable area for manœuvres in India which does not contain a large number of inhabitants or villages, it may be positively desirable to use that area fairly frequently instead of using it once in every five years. That would be probably preferable, from the point of view of the public, to continually changing the area of our manœuvres and carrying them out over thickly populated areas. I am merely pointing that out as one of the reasons which lie behind the fact that our Bill is not actually word for word the same as the English Manœuvres Act. On the other hand, I quite agree that the points that Honourable Members have made in that and other connections will have to be taken into consideration and certainly will be taken into consideration. One thing I can say, and I can say it on the highest authority, and that is that if these manœuvres and even artillery practices and field firing were stopped altogether, I am pretty sure there would be a very considerable amount of opposition from many of the villagers themselves. In certain cases, I know, the villagers have to evacuate their dwellings and there is a certain amount of hardship in that; but in a great many cases the villagers get nothing but profit out of these military manœuvres. The soldiers go into these areas over a certain number of weeks and they spend a large amount of money in the villages. And I am quite sure that, if there were any question of putting an end to manœuvres altogether, there would be a distinct outcry from the people. However, that is by the way.

Then, Sir, I should like just to say a few words about a third point, which is a general point raised by several Honourable Members, and that is the question whether we are doing the right thing or the wrong thing by bringing this Bill forward on the eve of provincial autonomy. Well, Sir, personally I do not see that the changes in the constitutional position really have very much to do with it. After all, even when the new Constitution is in full force, when the full Federal Constitution is in force, it will always be possible for this Legislature to pass laws imposing functions and duties upon provincial Governments and their officers. Meanwhile, what we want to do by circulating this Bill is not so much to obtain the views of the present Local Governments, although of course these will be necessary and useful, but our main object is to obtain the

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views of the general public about this Bill. And I may say that I shall welcome any representations that may be made through non-official sources regarding the provisions of this Bill, and will undertake to give them the most careful consideration and see how far we can possibly go to meet any reasonable suggestions that may be put forward.

Prof. N. G. Ranga (Guntur *cum* Nellore : Non-Muhammadan Rural) : Will it be circulated among peasants' associations?

Mr. G. R. F. Tottenham : It will be fully circulated; I do not know exactly how it will be circulated.

Sir, your Deputy just now made a reference to speech being silver and silence being golden. I think, Sir, in this House we have rather gone off the gold standard, and I do not wish to speak any more. I hope that the House will agree to accept this motion.

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

“That the Bill to provide facilities for military manœuvres and for field firing and artillery practice be circulated for the purpose of eliciting opinion thereon.”

The motion was adopted.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, before you move on to the next item, I wish to make a request. I have to thank the Honourable the Leader of the House and other parties in the House for their allowing Dr. Deshmukh to have his motion on the agenda paper today for the reference of his Bill to the Select Committee. I understand that owing to the importance of the Dargah Bill, it is likely to occupy the House for some time, as probably it deserves to. But so far as Dr. Deshmukh's Bill is concerned, I am sure that it will not take more than 10 to 15 minutes to refer the Bill to Select Committee : so far as we on this side are concerned, Dr. Deshmukh will move for reference to Select Committee and will not take more than five or six minutes—perhaps not more than two....

Dr. G. V. Deshmukh (Bombay City : Non-Muhammadan Urban) : Not even one minute : the gold standard, Sir.

Pandit Govind Ballabh Pant : And none else from this side will speak. I request, therefore, that you will be pleased to allow Dr. Deshmukh to move for reference of his Bill to Select Committee.

Mr. President (The Honourable Sir Abdur Rahim) : Can I upset the order?

Pandit Govind Ballabh Pant : Yes : under para. 23 at page 10 of the Manual of Procedure, as we are having non-official business now. It says :—

“Provided that the President may, from time to time, make such variations in the said procedure as he may consider necessary or convenient.”

I may as well state here that the various parties in the House are agreeable to this procedure.

Mr. President (The Honourable Sir Abdur Rahim) : Are all agreed?

Honourable Members : All agreed.

Mr. President (The Honourable Sir Abdur Rahim) : Very well. Dr. Deshmukh.

THE HINDU WOMEN'S RIGHTS TO PROPERTY BILL.

Dr. G. V. Deshmukh (Bombay City : Non-Muhammadan Urban) : Sir, I beg to move :

"That the Bill to amend the Hindu Law governing Hindu Women's Right to Property be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Home Member, the Honourable the Industries and Labour Member, Sir Muhammad Yakub, Mr. Sri Prakasa, Mr. F. E. James, Sardar Sant Singh, Sir H. P. Mody, Mr. Akhil Chandra Datta, Mr. N. C. Chunder, Dr. Khan Sahib, Syed Ghulam Bhik Nairang, Mr. V. V. Giri, Dr. N. B. Khare, Mr. M. Ananthasayanam Ayyangar, Pandit Nilakantha Das and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, I move.

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

"That the Bill to amend the Hindu Law governing Hindu Women's Right to Property be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Home Member, the Honourable the Industries and Labour Member, Sir Muhammad Yakub, Mr. Sri Prakasa, Mr. F. E. James, Sardar Sant Singh, Sir H. P. Mody, Mr. Akhil Chandra Datta, Mr. N. C. Chunder, Dr. Khan Sahib, Syed Ghulam Bhik Nairang, Mr. V. V. Giri, Dr. N. B. Khare, Mr. M. Ananthasayanam Ayyangar, Pandit Nilakantha Das and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. M. S. Aney (Berar Representative) : Sir, I would like to move that the name of Mr. Lalchand Navalrai be added to the Select Committee.

Dr. G. V. Deshmukh : I accept it, Sir.

Mr. President (The Honourable Sir Abdur Rahim) : Very well.

Mr. Muhammad Nauman (Patna and Chota Nagpur cum Orissa Muhammadan) : I suggest that the name of Mr. Bajoria be also added.

Honourable Members : He is not here.

Mr. Muhammad Nauman : He has given his consent to me.

Mr. President (The Honourable Sir Abdur Rahim) : I think the list is long enough already.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, may I say just a few words ? I would not have spoken at all, but I would like to make the position of Government clear in this matter. I think I made it perfectly clear to my Honourable friend, Dr. Deshmukh, that the Government will not oppose the motion for Select Committee because they are quite prepared to support the Bill in so far as rights are intended to be given to the widow. For reasons with which I will not detain the House now, we are not agreeable to those rights being extended to daughters ; but I do not like the matter to be discussed now. All that I say is this : I make it perfectly clear that by agreeing to Select Committee we are not accepting the principle of the whole Bill : the Bill is for giving rights to women, but to what women rights will be given and to what extent, that is all open to be discussed in Select Committee and as a matter of fact I agreed to this matter being taken out of its turn and put on the list today because my Honourable friend, Dr. Deshmukh, issued a statement in the press on which I have relied for saying that he will be quite satisfied if the Bill is limited to the rights of widows. In these circumstances I do not oppose the motion for Select Committee and I agree to it.

(3284)

THE HINDU WOMEN'S RIGHTS TO PROPERTY BILL.

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Dr. G. V. Deshmukh : I give a promise on the floor of this House that I shall stand by the published statement that I have issued.

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

"That the Bill to amend the Hindu Law governing Hindu Women's Right to Property be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Home Member, the Honourable the Industries and Labour Member, Sir Muhammad Yakub, Mr. Sri Prakasa, Mr. F. E. James, Sardar Sant Singh, Sir H. P. Mody, Mr. Akhil Chandra Datta, Mr. N. C. Chunder, Dr. Khan Sahib, Syed Ghulam Bhik Nairang, Mr. V. V. Giri, Dr. N. B. Khare, Mr. M. Ananthasayanam Ayyangar, Pandit Nilakantha Das, Mr. Lalchand Navalrai and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

THE DURGAH KHAWAJA SAHEB BILL.

Syed Ghulam Bhik Nairang (East Punjab : Muhammadan) : Mr. President, I beg to move :

"That the Bill to make better provision for the administration of the Durgah and the Endowment of the Durgah of Khawaja Moin-ud-din Chisti, generally known as the Durgah Khawaja Sahib, Ajmer, as passed by the Council of State, be taken into consideration."

In moving this motion, I do not propose to detain the House for long ; but I wish just to make a few observations which may introduce the subject and facilitate the consideration of the motion. It is a well-known fact that Hazrat Khawaja Moin-ud-din Chisti *Rahmatullahi alaihi* was the greatest Muslim saint who ever flourished in India and his shrine situated at Ajmer Sharif is the centre of attraction not only to all Muslims living in India but to Muslims living as far as Afghanistan and Turkestan and other parts of Asia. Not only do the Muslims of India entertain the highest veneration for his blessed memory, but even the Hindus all over India have the highest respect for that saint and many of them, large numbers of them, visit the shrine at Ajmer Sharif in a spirit of real devotion. Now, that shrine has very large endowments connected with it for its upkeep and for the disbursement of the very large expenses which are incidental to the many functions and religious ceremonies held in connection with the shrine, and the management of these endowments has during the long course of history, since the original foundation of the endowment, varied from time to time....

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhammadan Rural) : What is the approximate value of the endowment ?

Syed Ghulam Bhik Nairang : It is estimated to be about Rs. 50,000 a year. But, at the same time, it is expected that under proper management the income could be at least doubled.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Does the amount include the annual offerings ? I had been to the place myself, and I know there are offerings of money made at the Durgah.

Syed Ghulam Bhik Nairang : Not offerings alone, but the endowment, mostly endowment. As I submitted, the management of this shrine has

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[Syed Ghulam Bhik Nairang.]

taken different forms in different periods of history, but the form of management which is now in existence and with which we are immediately concerned is this. There is a Sajjada Nasheen who is the supreme religious or spiritual head of the institution and whose functions are mainly, in fact, I would say, almost exclusively, spiritual. There is a Mutawalli who in conjunction with a Durgah Committee manages the endowment estate, and this Committee and the Mutawalli have been working together after 1863 when the Religious Endowments Act was passed. The constitution of the Committee which has been appointed under the Religious Endowments Act of 1863 is such that we have as members of the Committee one representative of the Sajjada Nasheen, one representative of the Mutawalli, two representatives of the Khuddam community, the hereditary attendants of the shrine, and we have one representative of the public who is elected by means of a very curious form of election. It appears on the face of it, when we consider the constitution of the Committee, that the Muslim public or, I would say, the public generally, which is interested in the good management of the shrine, is most poorly represented, as things stand at present, because the Khuddam community, the hereditary attendants of the shrine, are, after all, a class of beneficiaries who are interested in being maintained out of the income of the shrine. The Mutawalli has also got his own family claims and is an interested party: so, one may say, is the Sajjada Nasheen. In spite of the veneration for the Sajjada Nasheen and the Mutawalli and the respect in which the Khuddam are also held, it cannot be denied that, from the business point of view, they are after all interested parties, and, consequently, there have been for a very long time various complaints about the mismanagement of the Durgah income, and although one may not say maladministration, but anyhow about the unsatisfactory administration of the Durgah affairs. In order to bring about reform in this state of things, this measure which is now before you in the shape of a Bill passed by the Council of State was introduced in the Council of State in June last year by the Honourable Raja Ghazanfar Ali Khan. Unfortunately, certain vicissitudes delayed the matter. Originally when he gave notice of the introduction of the Bill, he applied for permission of the Governor General for the introduction of the measure. He was told by the Law Department of the Government of India that permission was not necessary. Thereupon, he introduced it in the Council of State without such permission, but objection was taken by one of the Honourable Members of the Council of State that permission of the Governor General was necessary. Thereupon, on a further reference to the Law Department of the Government of India, it was found that a wrong view had been taken, and the Honourable the President of the Council of State advised Raja Ghazanfar Ali Khan to withdraw the Bill, secure proper sanction of the Governor General and re-introduce it, if he was so advised. This was done, but the result of all this was that a good deal of valuable time was wasted. However, later on, Government was kind enough to circulate the Bill for eliciting public opinion without any regular motion in the Council of State for this purpose. After that circulation the opinions which were collected were printed and circulated at a stage when there was very little time left for consideration and passage of the Bill in the Council of State in good time for the Assembly also to consider it. This is the history of the measure in the

past, but we are now in the position of having the Bill before us in the form in which the Council of State has passed it, and I beg to move that the House may consider it.

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

"That the Bill to make better provision for the administration of the Durgah and the Endowment of the Durgah of Khawaja Moin-ud-din Chisti, generally known as the Durgah Khawaja Saheb, Ajmer, as passed by the Council of State, be taken into consideration."

I may mention to the House that there are no less than 74 amendments of which notice has already been given.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Mr. President, it is a matter of great satisfaction that time has been allowed to get this Bill passed in this Session. We were all afraid that as the Council of State was going to be dissolved soon, if this Bill was not passed during this Session it might lapse and that would have created a great disappointment among the Mussalmans of India. As my Honourable friend, Syed Ghulam Bhik Nairang, has said, the Durgah of Hazrat Khawaja Moin-ud-din Chisti is considered a place of great veneration and attracts people from different parts of the country, not only Mussalmans, but as the Syed Sahib has said, people of different religions also flock to the Durgah. It is for this reason that the Bill has created a great interest amongst the Mussalmans throughout the whole country and they look forward, with great anxiety, to the passing of this Bill in this House. Sir, although the Bill, in the form in which it was passed by the Council of State, is not framed in an ideal form, and it cannot be expected that a non-official Bill could be framed in a perfect style, and I should say ideal form—in fact, we find nowadays even Government Bills cannot be said a model or specimen of ideal draftsmanship. However, there are certain defects, and certain lacunae in the Bill, and the language of certain of the clauses is not quite good. But I hope that, in consultation amongst themselves, the Mussalman Members of the Legislative Assembly will table concrete amendments in a form that may be acceptable to all, and that this Bill will get through this House without any dissentient voice or without any very long discussion. Before I touch on the main points of the Bill, I would take this opportunity to congratulate a very public spirited Mussalman of Ajmer, namely, Mirza Abdul Kader Beg, B.A., LL.B., an old student of the M. A. O. College of Aligarh, who has devoted many years of his life in preparing material for this Bill, he framed the Bill and placed it in the hands of Raja Ghazanfar Ali Khan for its being piloted in the Council of State. The Mussalmans of India ought to be very thankful to him for all that he has done.

Now, Sir, coming to the provisions of the Bill, I find that clause 5 of the Bill, in which the committee of management has been proposed, has been drafted in such a way that the whole spiritual side of the Durgah has been ignored and the constitution of the committee has been drawn in such a way as reminds me of an old proverb in Urdu :

Andhá bante reori, Phir phir apne hi ko de,

which means a blind man when he distributes sweets always puts the hand in his own pocket. In the same way we find that the right of election to the Durgah Committee has, almost, been given completely to all the Legis-

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[Sir Muhammad Yakub.]

latures, central and provincial, because this Bill was before a Legislative body. The management of the property of a shrine, I admit, is not the spiritual side of the shrine, but still it is necessary that we should maintain the spiritual aspect of the management and there must be some spiritual leaders, particularly those who belong to the order of Hazrat Khawaja Moyn-ud-din Chisti, amongst the members of the committee. Certain amendments have been tabled to this effect and I hope that this defect will be removed. I really do not like that legislation which is passed by the Legislative Assembly or the Council of State should appropriate all the rights and prerogatives for the Members, of the Legislatures, Central and Provincial; and therefore care has been taken now that although the power of election has been given to the Legislative Assemblies and Councils, the provision is framed in such a way that they can also elect outsiders. This is a great improvement in the Bill and a great defect will have been removed.

Now, Sir, the other point of importance contained in the Bill is in clause 12. Clause 12, as it has been framed, does not define clearly the powers of the committee, the powers of the manager and others and therefore it was open to great objections, and probably advantage would have been taken of the loose language of this clause. Certain amendments have now been prepared to improve the language of this clause and I hope that when those amendments are accepted by the House those objections will be removed. Then about the definitions of the various things in the Bill, certain amendments have been made and I hope that they will be accepted by the House. Clause 17 is another clause, the language of which is very defective and I think that it will be amended in such a way as to remove all misunderstandings. As I have submitted, although the Bill, as it has come out from the Council of State, is not an ideal Bill, there can be no doubt that it has secured great unanimity of Muslim public opinion about it. I have received several telegrams and letters from Muslim friends who are anxious that the Bill should be passed. I do not want to take up more of the time of the House because really we are anxious that there should be less speeches and more work and I am anxious that this Bill may be finished in time. I hope when amendments are moved very short speeches will be made and they will be in an agreed form. We should take care that the Bill is passed in this House if not this evening at least before lunch tomorrow morning. With these words, I support the motion.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : May I move my amendment now ?

Mr. President (The Honourable Sir Abdur Rahim) : I understand the Honourable Member gave notice of it only this morning.

Dr. Ziauddin Ahmad : No. It is No. 1 on the printed list ; notice was given sometime ago.

Mr. President (The Honourable Sir Abdur Rahim) : Have you obtained the permission of the persons who will serve on the Select Committee ? I don't see their names.

Dr. Ziauddin Ahmad : I have given notice of this amendment with the remark that the names will be mentioned at the time of making the motion. It is the usual practice. I have got the names

here. I would like to speak on the general motion of consideration. Although I have given notice of an amendment to refer the Bill to a committee, but as there exists every chance of our coming to some agreement, I pass on all the amendments to the Bill of which notice has been given....

Mr. President (The Honourable Sir Abdur Rahim) : Including the reference to the Select Committee ? (Laughter.)

Dr. Ziauddin Ahmad : Yes. I hope we may be able to pass this within an hour tomorrow but in case the unanimous agreement is not obtained, then of course I will move all the amendments that stand in my name in the list.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member gave notice of this amendment some time ago. Then, why didn't he give the names ? Has he obtained the consent of all of them—all those gentlemen whom he wants to serve on the Committee ?

Dr. Ziauddin Ahmad : No.

Mr. President (The Honourable Sir Abdur Rahim) : Then, I cannot allow it. The Honourable Member knows the rules. He ought to have obtained the consent of the gentlemen whom he proposed for this Committee. Then I take it that that amendment is not moved. This amendment ought to have been moved before ; and there is another amendment like that in the name of the Honourable Member, Mr. Nauman, who also has a motion for reference to a Select Committee. Does he want to move it ?

Mr. Muhammad Nauman (Patna and Chota Nagpur cum Orissa : Muhammadan) : Yes, Sir, I want to move it.

(Voices : " But the Honourable Member has not given the names.")

Yes, I have given the names.

Mr. President (The Honourable Sir Abdur Rahim) : Has the Honourable Member got the consent of all these gentlemen ?

Sir Muhammad Yakub : But nobody agrees to serve on the Committee.

Dr. Ziauddin Ahmad : Sir, I wish now to talk on the motion for consideration. I am not keen on Select Committee on account of bright prospects of general agreement. Sir, we all agree that there ought to be a better administration of the Durgah : But what is the meaning of " better administration " ? It really means, firstly, that all the buildings should be well-kept, should be clean, and should be put in proper repair. Secondly, that all the persons and visitors should be accommodated with comforts ; thirdly, that the visitors should be relieved from the worries of a large number of attendants, and fourthly, that the income, after paying all the legitimate expenses, should be utilised for the betterment of Islam. These I consider to be improvements in the administration of the Durgah, and if these things could be achieved, then I say that we have done some very good work. We would like very much to have a Bill similar to the Gurdwara Bill of the Sikhs, but this Bill which is before us does not go far enough and it does not satisfy the requirements of the public. Sir, there is only one point, at which this Bill, as originally drafted, attempted to achieve,

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[Dr. Ziauddin Ahmad.]

viz., the administration by Mutawalli. It was implied that if you remove that one individual, then the whole administration will automatically improve. I have seen such propaganda elsewhere.

Now, this is a view which I do not share and I take up an entirely different view. The Bill has been before the Council of State for some time and it was discussed there under unhealthy conditions. I say "unhealthy" also for the reason that about this time every second man had been suffering from influenza, and a person suffering from influenza cannot express his opinions really in the manner in which a healthy man would do. But throughout the discussions they have kept the Members of the Assembly absolutely in the dark, and they resented their intrusion in their discussions, which they considered to be their own. Sir, this method which was adopted in passing this Bill is a very peculiar one. It was never referred to a Select Committee by the Council of State, and now it comes to us, with the pistol of propaganda pointed at us, and they say that "you must pass this particular Bill today, otherwise Bill will be killed". So, really speaking, neither we are at liberty to refer the Bill to a Select Committee nor did the Council of State refer it to a Select Committee and the whole thing was done in a manner which is not very satisfactory. Sir, we have a very great respect for our elders.....

Sir Muhammad Yakub : They are not elders ?

Dr. Ziauddin Ahmad :who have expedited the passing of this Bill without reference to a Select Committee and are now forcing upon us. Now that procedure is very peculiar and I object to this in principle. Today it is the Durgah Bill, but tomorrow the same procedure may be adopted about other Bills. Sir, had the Bill been referred to the Select Committee of the two Houses together, we would have produced a much better Bill. Now a sort of propaganda is going on on this point, that if we do not pass this Bill today, it is going to lapse for ever. No doubt it will lapse now but that does not mean that it is killed for ever ; it would be postponed in that case only for about a year. Perhaps the Government might be willing to give us a half day from official programme so that the Bill might be laid simultaneously before the two Houses and referred to a Joint Committee and that Joint Committee would have made local inquiries and then they would have produced a much better Bill. In this case we are acting entirely in the dark. We do not know the conditions. The Bill is sent to us by the Council of State without making any local inquiries, but only on the basis of hear-say evidence and after reading certain documents, and the pistol is pointed at us and we are told, "pass this Bill, otherwise there is public opinion against you which will say that you are killing this Bill". Sir, if it is referred to a Select Committee and not passed in the Session, the Bill is not killed, but it really means postponement for a year. Sir, if this committee has been in existence for 72 years, there is no reason why it may not exist for another year : instead of 72 years, it may then have been 73 years and I do not think any definite harm would be done till we could produce a better Bill. Sir, we have two alternatives now before us. Either we pass the Bill as it is before us in a hurried manner,—and I call it a bad Bill—or we should wait for a year and pass a better Bill, after local inquiries by

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a Joint Select Committee of the two Houses. I would very much prefer to wait for a year. The Joint Committee of the two Houses would make local enquiries in the summer of the next year, and then they might produce a Bill about this time at Simla and then pass it in the year 1937. That means no doubt waiting for a year but at the same time with the certain result that the Bill that would be produced after the local inquiries by a Joint Committee of the two Houses of Legislature would certainly have been much better than it is at present,—because we are at present in a very unfortunate position in not having detailed knowledge of the circumstances at Ajmer, we find that almost in every case there have been civil suits which have gone on for about half a century ; we find that each point has been decided so many times by Commissioners, Deputy Commissioners and High Courts and even by the Privy Council but we have got no reports about all these points and, considering the circumstances in which we are placed, considering the facts that no local inquiries have been made either by the Council of State or by the Legislative Assembly or by the two Houses together, the only thing that we can possibly do is that we should sit down together and pass only such measures as are not of a controversial nature, that is, we cannot possibly touch the privileges of any interested party. Sir, we know that there are three interested parties in the administration (1) the Mutawalli, (2) Sajjada Nasheen and (3) Khuddam. Their powers and privileges are very disputed points and we cannot settle them in one day. We cannot suitably enter into these points now.

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

The Honourable Sir Nripendra Sircar : Will you, Sir, allow me to mention the matter about questions being dispensed with tomorrow ? The position is this. I am told that there is every chance of some kind of agreement being arrived at between the different people concerned. (Voices : "We are almost agreed".)

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : May I know what the position is with regard to the amendment that I have put in ?

The Honourable Sir Nripendra Sircar : Sir, I was going to tell you that if there is an agreement, then there is not the slightest doubt that we will finish the Bill before the midday adjournment. But, if there is no agreement, then, as we know, the Bill will lapse unless it is finished by 5 p.m. If my friends have any doubt about the agreement and are anxious to get this Bill through, then I would suggest that questions may not be taken tomorrow. From the Government point of view, some of my colleagues have been in some difficulty because during the last two days questions have been answered at the rate of 135 per day. Today we were able to finish all the questions mainly because many Honourable Members are absent. On these two grounds I would ask you that no questions be taken up tomorrow.

Dr. Ziauddin Ahmad : In that case we can finish the Bill by 12 o'clock,

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Pandit Govind Ballabh Pant : From the remarks that were made here, it appears that there is every chance of the differences being composed. In that case, the Bill will be finished in no time. So, the occasion for dropping questions would not arise.

The Honourable Sir Nripendra Sircar : But supposing there is no agreement, what will happen ? That is the point.

Pandit Govind Ballabh Pant : Even if there is no agreement it is not going to make much difference to this Bill if we start at 12 instead of 11. The Bill will not be affected thereby.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : It should also be remembered that tomorrow is Friday.

Pandit Govind Ballabh Pant : I think they are determined to come to an agreement, and so the questions may be taken up tomorrow.

The Assembly then adjourned till Eleven of the Clock on Friday, the 16th October, 1936.

LEGISLATIVE ASSEMBLY.

Friday, 16th October, 1936.

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

Sir Muhammad Yakub : Sir, may I make a request that considering the fact that we have now arrived at a unanimity about the Durgah Bill, and it is expected that we will finish it in a short time, and also taking into account the fact that today being Friday, the House will adjourn at 12-45 P.M., may I request you, if there is no opposition—and I hope there will be no opposition now—to drop out the questions, so that we may finish this Durgah Bill earlier. Everybody is anxious to leave Simla this afternoon.

Pandit Lakshmi Kanta Maitra : Sir, may I suggest that at least the answers to the questions set down on the list for today may be printed in today's proceedings ?

Dr. Ziauddin Ahmad : The questions may be taken as having been put and answered.

Mr. President (The Honourable Sir Abdur Rahim) : There is no objection to printing all the questions and answers thereto in today's proceedings.

QUESTIONS AND ANSWERS.

ALLEGATIONS AGAINST MR. K. M. HASSAN, DEPUTY DIRECTOR, ESTABLISHMENT, RAILWAY BOARD.

1352. ***Dr. N. B. Khare** : Is it a fact that under Rule 17 of the Government Servants Conduct Rules, a Government Servant is prohibited from communicating official document or information ? If so, will the Honourable Member for Commerce and Railways please state :

(a) whether the Government of India, generally or specially, empowered Mr. K. M. Hassan, Deputy Director, Establishment, Railway Board, to communicate directly, the documents and information which has come into his possession in the course of his public duties, to his friends, both officials and non-officials ;

(b) whether Mr. K. M. Hassan received the notices of questions tabled in the Legislative Assembly, asking for information regarding his conduct as a public servant in the course of his public duties ;

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- (c) whether Mr. K. M. Hassan communicated those questions to his friends both in Simla and in Calcutta ; and
- (d) whether the Honourable Member proposes to investigate the facts and communicate to this House the result of his inquiry ?

The Honourable Sir Muhammad Zafrullah Khan : (a) No.

(b) In the ordinary course of his official duties Mr. Hassan receives copies of the Notice Lists of questions for the Legislative Assembly.

(c) Government have no information.

(d) No.

CANDIDATES FOR PROVINCIAL ELECTIONS WITH PREVIOUS CONVICTION.

1353. ***Mr. T. S. Avinashilingam Chettiar :** Will Government state :

- (a) whether they are aware that many of the likely candidates in the coming provincial elections may be those who had suffered imprisonments for more than one year ; and

- (b) if so, what is the attitude of Government with regard to granting them exemption and allowing them to contest the election ?

The Honourable Sir Henry Craik : (a) Government have no information.

(b) The Honourable Member is referred to sub-section (e) of section 69 (1) of the Government of India Act, 1935. He will see that the authority empowered to remove the disqualification is not the Government of India.

HOUSE RENT PAID BY FOREMEN AND ASSISTANT FOREMEN ON THE ROHILKUND AND KUMAON RAILWAY.

1354. ***Mr. Mohan Lal Saksena :** Is it a fact that Foremen and Assistant Foremen on the Rohilkund and Kumaon Railway have to pay house rent, although they are supposed to be on 24 hours duty, like the station masters ? If so, what are the reasons therefor ?

The Honourable Sir Muhammad Zafrullah Khan : Government have no information. The staff of the Rohilkund and Kumaon Railway are not Government servants. The matter is within the competence of the Agent, Rohilkund and Kumaon Railway, to whom a copy of the question is being sent for information and such action as he may consider necessary.

NUMBER OF DETENUS.

1355. ***Mr. Mohan Lal Saksena :** Will Government be pleased to state the total number of detenues on the 1st July, 1934, 1st July, 1935 and 1st July, 1936, respectively ?

QUESTIONS AND ANSWERS.

The Honourable Sir Henry Craik : The number of detenues in jails and detention camps was as follows :

July, 1934	1,377
July, 1935	1,471
July, 1936	1,231

REPRESENTATIONS RECEIVED FROM THE DETENUS REGARDING TREATMENT METED OUT TO THEM.

1356. ***Mr. Mohan Lal Saksena :** Will Government be pleased to state the total number of representations received by them from the detenues in the centrally administered areas regarding the treatment meted out to them ?

The Honourable Sir Henry Craik : The Honourable Member does not state the period for which he requires the information. No representations were received by the Government of India during the last year.

GRIEVANCES OF THE DETENUS.

1357. ***Mr. Mohan Lal Saksena :** (a) Will Government be pleased to state what is the machinery provided by them to go into the grievances of the detenues detained in the centrally administered areas and their dependents ?

(b) Are Government prepared to appoint a non-official committee of the Legislative Assembly to enquire into the aforesaid grievances ?

The Honourable Sir Henry Craik : (a) Detenues can represent any grievances they may have to the Superintendent of the Deoli Camp Jail, the Chief Commissioner, Ajmer-Merwara, and the Government of India and also to non-official visitors appointed by the Chief Commissioner. Representations received from dependents of detenues are referred to the Local Governments concerned for enquiry.

(b) No.

WANT OF FACILITIES OF STUDY FOR DETENUS.

1358. ***Mr. Mohan Lal Saksena :** Is it a fact that no facilities are granted for study to such of the detenues in the centrally administered areas as do not prepare for any university examination ?

The Honourable Sir Henry Craik : It is not a fact. Detenues who are not studying for an examination can themselves arrange to obtain any books they require for study.

TRAVELLING EXPENSES TO THE RELATION OF DETENUS CONFINED IN THE DEOLI DETENTION CAMP.

1359. ***Mr. Mohan Lal Saksena :** Do Government give any travelling expenses to the relations of such detenues as are confined in Deoli Camp and cannot afford to bear the expenses themselves ? If not, do Government propose to consider the advisability of granting it in future or removing the detenues to detention camps in the neighbourhood of their home district ?

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The Honourable Sir Henry Craik : With your permission, Sir, I propose to give one reply to questions Nos. 1359 and 1360. These are matters which are the concern of the Government of Bengal, and the Government of India have no information on the subject.

ALLOWANCE TO DETENUS FOR REPLACING UTENSILS, BEDDINGS AND WARM CLOTHINGS, ETC.

†1360. ***Mr. Mohan Lal Saksena :** Do Government give any recurring allowance to detenues in the centrally administered areas for replacing utensils, beddings, warm clothings, etc., bought out of initial allowance? If not, are Government prepared to consider the advisability of granting such recurring allowance at least triennially?

DISCHARGE OF PROVINCIAL FOREST SERVICE OFFICERS BY THE PUNJAB GOVERNMENT ON COMPENSATION PENSION.

1361. ***Sardar Sant Singh :** (a) With reference to starred question No. 1187, dated the 15th November, 1932, will Government please now give a reply to the latter portion of part (d) of the same question as the reply laid on the table of the House does not contain any information on the point?

(b) Will Government please state the authority under which they accorded sanction to an act of the Punjab Government after the actual discharge of the officers?

(c) Is it a fact that the Madras Government also acted in the same way and retired a few officers of the Provincial Forest officers? If so, how many officers were so retired?

(d) Is it a fact that on being memorialised, the Government of India directed the Madras Government to compensate one Mr. Devadasan, E.A.C., Forests, for his premature retirement *without the previous sanction of the Governor General in Council*?

(e) If the answer to the above part be in the affirmative, are Government prepared to direct the Punjab Government to compensate analogous cases without any further harassment to the officers concerned? If not, why not?

(f) How many officers in all the provinces are thus entitled to compensation for their premature retirement and what are their names?

(g) Who is the officer of the Punjab Government who is responsible for such retirements?

Mr. M. W. Yeatts : (a) and (b). It is not suggested that previous sanction can be granted retrospectively. The intimation that the reduction might be deemed to have been made with the previous sanction of the Governor General in Council embodied merely a decision which would have been taken had an application for previous sanction actually been made.

(c) In pursuance of their Retrenchment Committee's recommendation that two posts in the Madras Forest Service should be held in

†For answer to this question, see answer to question No. 1359.

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obeyance as a measure of retrenchment, the Government of Madras ordered the retirement of two officers of the Provincial Forest Service without obtaining the previous sanction of the Governor General in Council.

(d) Yes.
(e) and (f). So far as Government are aware, there are no analogous cases but enquiries are being made.
(g) The orders in question were those of the Government of the Punjab.

RESTRICTIONS ON THE MOVEMENT OF MR. SAILENDRA NATH GHOSE, A POLITICAL EXILE IN THE UNITED STATES.

1362. ***Mr. Akhil Chandra Datta :** Will Government be pleased to state :

- (i) if they propose to discontinue the restrictions on the movements of Mr. Saileendra Nath Ghose, who has been a political exile in the United States for the last 20 years;
- (ii) if they propose to permit him to return to India now and to be in India without any restrictions; and
- (iii) if they have communicated their views in this matter to Mr. Ghose?

The Honourable Sir Henry Craik : I would invite the Honourable Member's attention to the reply given by me to Mr. Mohan Lal Saksena's question No. 630 on the 25th September last. No restrictions will be placed on Mr. Saileendra Nath Ghose in India so long as he conducts himself in a lawful manner. Steps have been taken to inform Mr. Ghose accordingly through His Majesty's Ambassador in Washington and I presume he is now aware of Government's decision.

SYSTEM OF ENROLLING THE ELECTORATE FOR THE FORTHCOMING ELECTIONS IN THE PROVINCES.

1363. ***Seth Govind Das :** Will Government be pleased to state :

- (a) whether or not it is a fact that the system of enrolling the electorate for the forthcoming provincial reform elections differ in the different provinces of the country;
- (b) whether or not the system of enrolling the electorate under the literacy qualifications differs in the different provinces;
- (c) the policy behind the fixation of the discriminating systems of suffrage for this particular electorate in different provinces;
- (d) the qualifications fixed for the literacy suffrage in the different provinces;
- (e) the reason for fixing such a varying system in provinces within one country; and
- (f) whether they propose issuing instructions to provinces fixing a minimum uniform qualification for this electorate for all provinces in the country?

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The Honourable Sir Nripendra Sircar : (a) and (b). Yes.

(c) to (e). Under the Sixth Schedule to the Government of India Act, 1935, literacy, that is, ability to read and write in some language or dialect in common use in India selected by the person concerned, is prescribed as a qualification for both men and women in the case of Madras. In other provinces, it is so prescribed only in the case of women. In Bombay and the Punjab literacy is also a special qualification in the case of Scheduled Castes. This varying system is based on the conditions prevailing in the different provinces.

(f) No. The matter is already decided by the provisions contained in the Sixth Schedule to the Act.

SUFFRAGE OF THE UNIVERSITY ELECTORATE IN THE CENTRAL PROVINCES.

1364. ***Seth Govind Das :** Will Government be pleased to state :

- (a) whether or not it is a fact that in the Central Provinces the suffrage of the university electorate is different from that of other provinces ;
- (b) whether or not it is a fact that in the Central Provinces the suffrage of university electorate is confined only to Nagpur University registered graduates of seven years standing ;
- (c) whether or not it is a fact that graduates in the Central Provinces from other universities and graduates of the Nagpur University of less than seven years have been precluded from the suffrage of the university constituency ;
- (d) the policy behind this system of fixing the suffrage for this constituency ;
- (e) whether or not it is a fact that under the Montagu-Chelmsford Scheme of Reforms, all registered graduates of any university residing within the province of the Central Provinces and Berar were qualified to vote for this constituency ; and
- (f) whether they propose to issue instructions to the Central Provinces Government to include all graduates of Nagpur University of more than one year as well as all other graduates residing within the province of other universities in the list of voters ; if not, why not ?

The Honourable Sir Nripendra Sircar : (a) No. I invite the Honourable Member's attention to the provisions contained in the Provincial Legislative Assemblies Order in Council a copy of which is in the Library of this House.

(b) and (c). Yes.

(d) The franchise for University constituencies in the provinces is generally uniform, namely members of the Senate or Court (or corresponding body) and all graduates of not less than seven years standing registered as such in the register of the University to which the seat is assigned.

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(e) The qualification under the existing constitution is under the terms of the Central Provinces Electoral Rules confined to persons enrolled in the register of registered graduates of the Nagpur University.

(f) No. The matter has already been settled by paragraph 20 (2) of Part VIII of the Provincial Legislative Assemblies Order in Council.

NEGOTIATIONS FOR A FRESH INDO-JAPANESE TRADE AGREEMENT.

1365. ***Mr. S. Satyamurti :** Will the Honourable the Commerce Member be pleased to state :

- (a) whether there is a stalemate in the Indo-Japanese negotiations ;
- (b) what the nature of the stalemate is ;
- (c) how long it is expected to last ;
- (d) what the actual stage is at which the negotiations now stand ;
- (e) when the Honourable the Commerce Member expects the negotiations to be completed ; and
- (f) what are the causes for the delay in the conclusion of the negotiations, and whether Government propose to take every step to expedite the negotiations as much as possible, and if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : I am unable to add to the information I have given in the course of the current Session concerning this matter.

EMPLOYMENT OF THE "DUFFERIN" CADETS AS OFFICERS.

1366. ***Mr. N. V. Gadgil :** Will Government be pleased to state :

- (a) whether in reply to Mr. M. Asaf Ali's starred question No. 456, asked on the 14th February, 1936, regarding the employment of the "Dufferin" cadets as officers, the Honourable the Commerce Member stated that the question of attaching conditions regarding the training and employment of Indians as apprentices and officers in connection with subsidies given to the carriage of mails will be considered when the contracts expire ;
- (b) whether in reply to interpellation No. 5 of the Honourable Mr. P. N. Saprú in the Council of State on the 17th February, 1936, the Honourable Mr. T. A. Stewart, the Commerce Secretary stated that the question of imposing an obligation of the nature referred to by the Honourable Member on the Shipping Companies under contract for the carriage of mails will be considered when the existing contracts expire ;
- (c) whether it is not a fact that these contracts are about to expire in March, 1937 ;

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- (d) if so, whether they propose to implement the undertakings referred to above and use their bargaining power to secure employment for Indian cadets in Shipping Companies carrying mails and getting Government patronage and subsidy before fresh contracts are given?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). Yes.

(c) The mail contracts with the British India Steam Navigation Company, and the British India Steam Navigation Company and the Bengal Burma Steam Navigation Companies jointly are due to expire on the 1st April, 1937.

(d) Attention is invited to the replies given to the supplementaries asked by Mr. Satyamurti in connection with his starred question No. 666 on the 28th September, 1936. The matter is still under the consideration of Government.

BOY PEONS, OFFICE AND DELIVERY PEONS OF THE POSTS AND TELEGRAPHS DEPARTMENT.

1367. *Mr. Muhammad Azhar Ali : (a) Will Government be pleased to state whether boy peons, office and delivery peons of the Posts and Telegraphs Department, are members of the menial staff, or are they inferior servants, as specified in Special Circular No. 2, dated New Delhi, the 16th April, 1931, issued by the Director-General of Posts and Telegraphs?

(b) Is a boy peon required, necessarily, to pass the inferior service test prior to being appointed, either to the grade of an office or delivery peon?

(c) What are the posts for which a 'Qualified boy peon' is eligible, prescribed in the Director General's circular aforementioned? Does it include also the cadre of office and delivery peons?

(d) How are examinations conducted from time to time to regulate promotions amongst boy peons for admission into the inferior service open to them? What is the position of a lad who qualifies when a vacancy occurs, provided he is senior to the others in the service?

(e) How does seniority weigh when other considerations are equal?

(f) Is it a fact that in most circles the regulation of these appointments is left entirely in the hands of circle clerks?

(g) Do Government desire to remedy the injustice amongst this class of servants by regulating their promotion on the basis of seniority primarily, where other qualifications are equal? If not, how do they propose to remove the hardships and injustice done to the senior boy peons?

The Honourable Sir Frank Noyce : (a) to (e). The Honourable Member's attention is invited to the circular mentioned by him, a copy of which has been placed in the Library of the House.

(f) and (g). Government have no reason to believe that the facts are as stated by the Honourable Member. It is open to officials who have any grievance to represent it in the usual manner to the proper authority.

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PENSIONARY BENEFITS FOR MECHANICS AND MISTRIES IN THE POSTS AND TELEGRAPHS DEPARTMENT.

1368. *Mr. Muhammad Azhar Ali : (a) Will Government be pleased to state whether it is a fact, that under notification No. S-173/73/33, the Department of Industries and Labour, dated Simla, the 6th July, 1936, the Government of India have, on the specific recommendation of the Director General of Posts and Telegraphs, absorbed telephone operators and cable supervisors on a pensionable basis from dates of their respective appointments in the service?

(b) Is it true that mechanics and mistries in the service of the Posts and Telegraphs Department, who, hitherto, had been consistently treated, along with telephone operators and cable supervisors, whenever they had memorialised the Government, that their cases would be favourably considered when the financial position improved, are denied the benefits under the aforementioned notification? If so, why are they being treated differently?

(c) What led the Director General of Posts and Telegraphs to recommend, distinctively, the cases of telephone operators and cable supervisors? How is the preferential treatment justified?

(d) Is it a fact that a large number of mechanics and mistries in the Posts and Telegraphs Department are due to retire in the near future?

(e) Are Government now prepared to grant pensionary benefits with retrospective effect as from date of appointment to mechanics and mistries? If not, how do they deny the consideration?

The Honourable Sir Frank Noyce : (a) Yes.

(b) and (c). The case of mechanics, mistries and the other non-pensionable personnel of the Department is under consideration separately. It could not be considered with the case of telephone operators and cable supervisors as certain information which was necessary had to be collected.

(d) Government have no information.

(e) As stated in my reply to parts (b) and (c), the question of granting pensionable status to the classes of officials referred to is already under consideration; and it is expected that a decision will be reached shortly.

ANONYMOUS MEMORANDA MAKING FALSE CHARGES AGAINST HINDU AND SIKH RAILWAY OFFICERS.

1369. *Mr. Amarendra Nath Chattopadhyaya : (a) Will Government be pleased to state if they are aware of the fact that anonymous printed memoranda shown as printed by the Educational Printing Works, Lahore, making all sorts of false charges against Hindu and Sikh officers, are being sent to high officials of the Railway Board and the North Western Railway? If so, have Government taken any steps to put a stop to these attacks?

(b) If no steps have been taken, are Government prepared to institute investigations to get hold of the originators of such memoranda?

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The Honourable Sir Muhammad Zafrullah Khan : I would invite the Honourable Member's attention to my reply to Sardar Sant Singh's starred question No. 1345 asked in the House on the 15th October, 1936.

MEAT VENDORS ON THE NORTH WESTERN RAILWAY.

1370. *Mr. Amarendra Nath Chattopadhyaya : (a) Will Government be pleased to state if it is a fact that on the North Western Railway Muhammadan bread vendors are allowed to sell *halal* meat while the Hindu bread vendors are not allowed to sell *jhatka* meat ?

(b) If so, what are the reasons for this distinction, and are Government aware that it is also a hardship to the non-*halal* eating section of the travelling public, inasmuch as it cannot easily obtain meat, particularly at stations where there are bread vendors but no Hindu refreshment rooms ?

(c) Is it a fact that this subject was brought up at one of the meetings of the North Western Railway, Lahore, Advisory Committee, but it was brushed aside on the ground that the Muhammadan community would not like the sale of *Jhatka* by the Hindu bread vendors ? If so, will Government be pleased to state how they justify the sale of *halal* meat, while prohibiting the sale of *jhatka* meat ?

(d) If the answer to the first part be in the affirmative, do Government propose to place both the sections of the travelling public on an equal footing in this matter of provision of facilities and respect of feelings ?

The Honourable Sir Muhammad Zafrullah Khan : (a), (b) and (d). I would refer the Honourable Member to the reply I gave to Sardar Sant Singh's question No. 1344 on the 15th instant.

(c) I understand from the Agent, N. W. Railway, that the subject has not been discussed by the Advisory Committee.

STUDENTS PASSING FROM THE 'A' CLASS OF THE MACLAGAN ENGINEERING COLLEGE, LAHORE.

1371. *Raizada Hans Raj : (a) How many students have passed from the 'A' Class of the MacLagan Engineering College, Lahore, so far since its inception ?

(b) Of these, how many got training in the railway shops ?

(c) How many vacancies occurred in the supervisory posts during the last nine years ?

(d) How many vacancies were filled by the 'A' Class students ?

(e) Is it a fact that the College Advisory Committee includes heads of Railway Mechanical and Electrical Departments, who have control over the training of students of the said College, both in the shops and college, and will Government please state whether any preference was given to the students of the said institution ? If so, how far ? If not, why not ?

(f) Is it a fact that the railway employed non-MacLagan College students in supervisory posts while suitable MacLagan College students were available ?

(g) Is it a fact that the diploma and the degree of that college are both recognized by the Public Service Commission for superior engineering services of the Government of India and that huge expenses are incurred both by Government and the students on their education ? If so, will Government please state if it is a fact that the railway gives the same start to both 'A' and 'B' Class students at the time of employment ?

(h) If so, do Government propose to give any preference to qualified students of 'A' Class on account of their higher merit over qualified students of 'B' Class ? If so, how far ? If not, why not ?

(i) Is it laid down by the Railway Board that recruitment of officers to the lower gazetted ranks and superior revenue establishment of Mechanical, Transportation Departments will also be made by promotion of suitable subordinates whose names may be borne on the approved list, and if so, will Government please state how many subordinates are on the approved list ?

(j) What are their academical and technical qualifications ?

(k) How many vacancies occurred in the lower gazetted service during the last five years and out of these how many were given to subordinates ?

(l) Is it a fact that subordinates with no academical and technical qualifications were promoted, whereas the claims of qualified men were ignored ? If so, do Government propose to redress the grievances of those so affected ? If so, when ? If not, why not ?

(m) Is it a fact that the 'A' class course of the MacLagan College is in accordance with the special requirements of the railway, and, if so, was any preference given to them in filling up the above mentioned vacancies ? If so, how far ? If not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : I am collecting information and will lay a reply on the table of the House in due course.

SPECIAL CLASS APPRENTICES OF SUPERIOR RAILWAY SERVICE.

1372. *Raizada Hans Raj : Will Government please state, with regard to the special class apprentices of superior railway services :

(a) what is the total number of special class apprentices who have successfully completed their course so far ;

(b) what has been the total expenditure incurred by Government per head on their training from beginning to end, including stipends, travelling facilities, training both in India and Overseas, and also passages ; and

(c) are Government prepared to consider the alternative proposal of employing qualified men from outside sources and giving them short period special training to suit the railway's requirements for superior revenue establishments ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Thirty.

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(b) The approximate expenditure in connection with the training of a special class apprentice in the Mechanical Engineering and Transportation (Power) Department is Rs. 22,490 and in the Electrical Engineering Department Rs. 23,490.

(c) The matter is under consideration.

CIVIL LIBERTIES ASSOCIATION STARTED BY PANDIT JAWAHARLAL NEHRU.

1373. *Mr. Mohan Lal Saksena : Will Government be pleased to state what is their policy in regard to the Civil Liberties Association started by Pandit Jawaharlal Nehru ?

The Honourable Sir Henry Craik : The attitude of Government towards the Civil Liberties Union or any other organisation must necessarily depend upon its future activities.

POPULARISING OF CASHEW NUTS IN EUROPE AND PARTICULARLY IN ENGLAND.

1374. *Mr. Mohan Lal Saksena : (a) Has the attention of Government been drawn to the letter of "Indian Importer" published in the *Times of India*, recently, regarding popularising of cashew nuts in Europe and particularly in England ?

(b) If so, what steps, if any, have been taken to popularise them ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, Sir.

(b) The Government of India have the matter under consideration in consultation with the High Commissioner for India in London.

INDIANISATION OF THE ARMY.

1375. *Mr. Mohan Lal Saksena : Are Government aware that Indianisation as is being carried out in the Army is not popular with the Indians ? Is it a fact that :

- (i) no European is placed under an Indian officer ; if so, why ;
- (ii) in India more seats in the military academy are given to 'Y' than civil cadets who pass a competitive examination while in England the number of 'Y' cadets is very small ;
- (iii) the Dehra Dun officer has an ambiguous position in relation to the British troops inasmuch as he has command only over them but no power of punishment ;
- (iv) a European who enters Royal Military College, Sandhurst, on the same date as an Indian who enters the Academy at Dehra Dun comes out, as a commissioned officer a year earlier than the Indian by which the latter loses seniority and pay ; and

(v) the Sandhurst product gets Rs. 150 per mensem more than Dehra Dun one as overseas allowance, which enables him to make a better show ?

Mr. G. R. F. Tottenham : The reply to the first sentence is in the negative. The replies to the other parts are as follows :

(i) I would refer the Honourable Member to the answers I gave to Mr. S. Satyamurti's starred question No. 198 on the 8th September, 1936.

(ii) No.

(iii) The position may be as stated by the Honourable Member but Government do not see any ambiguity in it.

(iv) Cadets from the Indian Military Academy have their commissions ante-dated by one year to meet the point mentioned by the Honourable Member.

(v) The pay of Indian Commissioned Officer is based on the principle that he is serving in his own country, whereas those from Sandhurst are not.

PROMOTIONS TO THE RANK OF A JAMADAR OR SUBEDAR IN INDIANISED UNITS.

1376. *Mr. Mohan Lal Saksena : (a) Is it a fact that the chances of recruits in Indianised units for promotion to the rank of a Jamadar or Subedar are practically non-existent ?

(b) If so, have Government considered whether, and if so, how it will affect the quality of recruits and the efficiency of the Indianised units ?

Mr. G. R. F. Tottenham : (a) No. Indian other ranks of Indianised units are eligible for promotion to the rank of Jamadar and Subedar in non-Indianised units of the same group or regiment on the basis of equality of opportunity with Indian other ranks of the latter units. They are also eligible for promotion to Indian warrant officer, classes I and II, in their own units and a limited number are of course eligible for promotion to commissioned rank through the Indian Military Academy.

(b) Does not arise.

INDIANS SENT AWAY FROM THE ARMY UNDER WAR BLOCK SCHEME.

1377. *Mr. Mohan Lal Saksena : (a) Is it a fact that nearly one thousand officers were axed in 1923 and were paid large sums, varying from 20 to 30 thousand rupees by way of gratuity ?

(b) Is it also a fact that the aforesaid order was modified inasmuch as it affected the Indians, on the ground that all Indian officers should be retained to help the Indianisation Scheme ?

(c) Is it a fact that these Indian officers who were not allowed to leave the Army under the surplus officers' scheme in 1923 are now being sent away under the War Block Scheme ?

(d) If so, will Government state their total number ?

Mr. G. R. F. Tottenham : (a) The facts are more or less as stated by the Honourable Member.

(b) Not so far as the Government of India are aware.

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(c) and (d). Twelve King's Commissioned Indian officers whose dates of commission fall between the 4th August, 1914, and the 31st December, 1920, have been or are being placed on the Special Unemployed List.

INDIAN COMMISSIONED OFFICERS IN THE ARMY PASSING PROMOTION EXAMINATION AND REPORTED FIT FOR PROMOTION.

1378. *Mr. Mohan Lal Saksena : (a) How many Indian commissioned officers in the Indian Army have passed promotion examinations and were reported fit for promotion during the last two years ?

(b) How many of these have already been placed on the special list and how many are warned and earmarked to be sent away under the War Block Scheme ?

(c) Of the former, how many have been placed on their volunteering to go under the scheme and how many have been selected by the department ?

(d) How many of the latter have been pronounced fit for promotions ?

Mr. G. R. F. Tottenham : (a) Information is being collected and will be laid on the table of the House in due course.

(b) and (c). Eight King's Commissioned Indian officers have been compulsorily placed on the Special Unemployed list, three have been warned that they will be and one has volunteered.

(d) None.

WAR BLOCK SCHEME.

1379. *Mr. Mohan Lal Saksena : (a) Why has the War Block Scheme been introduced ?

(b) What are its financial advantages ?

Mr. G. R. F. Tottenham : (a) and (b). I would refer the Honourable Member to His Excellency the Commander-in-Chief's speech in the Council of State on the 18th September, 1935.

ADVISABILITY OF NOT SENDING AWAY ANY INDIAN OFFICER UNDER THE WAR BLOCK SCHEME.

1380. *Mr. Mohan Lal Saksena : In the interests of Indianisation scheme, do Government propose to consider the advisability of not sending any Indian officer under the War Block Scheme, as was done in 1923 under the gratuity scheme ?

Mr. G. R. F. Tottenham : It would not be in the interests of Indianisation to impose a lower standard of efficiency on Indian officers than on British nor can I agree that there is any precedent for such a course in the 1923 scheme.

INDIANS SENT OVERSEAS DURING THE LAST EUROPEAN WAR.

1381. *Mr. Mohan Lal Saksena : (a) What was the total number of Indians, combatants and others, sent overseas during the last European War ?

(b) How many of those sent in the war were disabled ?

(c) How much money was paid to them as compensation or pension during the last 20 years ?

(d) How many of these are still alive and how are they employed ?

Mr. G. R. F. Tottenham : I would refer the Honourable Member to the answer I gave to his question No. 850 on the 7th October, 1936, and to the publication entitled "India's contribution to the Great War", which contains the required information and which is in the Library.

NUMBER OF PERSONS RECRUITED DURING THE LAST WAR.

1382. *Mr. Mohan Lal Saksena : Will Government be pleased to state districtwise, the number of persons recruited during the last war ?

Mr. G. R. F. Tottenham : The information required by the Honourable Member is given by provinces on page 277 of the publication mentioned in my reply to his previous question. It would entail too much time and labour to collect the same information by districts.

MONEY FROM THE INDIAN EXCHEQUER SPENT OVER THE LAST EUROPEAN WAR.

1383. *Mr. Mohan Lal Saksena : What was the total amount of money spent from the Indian Exchequer over the last European war ?

Mr. G. R. F. Tottenham : I would refer the Honourable Member to the reply I gave to his starred question No. 850 on the 7th October, 1936.

MONEY RAISED BY VOLUNTARY CONTRIBUTIONS FOR THE GREAT WAR.

1384. *Mr. Mohan Lal Saksena : Will Government also state how much money was raised by voluntary contributions for the Great War ?

Mr. G. R. F. Tottenham : The Honourable Member will find such information as is available in the book to which I have previously referred him called "India's contribution to the Great War".

GREAT BRITAIN'S CONSULTATION WITH INDIA BEFORE JOINING THE LAST WAR.

1385. *Mr. Mohan Lal Saksena : Was the Government of India consulted before Great Britain joined the last war ?

Sir Aubrey Metcalfe : No, Sir.

FEELINGS IN INDIA REGARDING INDIANS NOT HELPING GREAT BRITAIN IN FUTURE WARS.

1386. *Mr. Mohan Lal Saksena : (a) Are Government aware of the feelings of the people of India regarding Indians not helping Great Britain in future wars ?

(b) If not, do Government propose to take necessary steps to ascertain them before committing India to any war responsibility in the future ?

The Honourable Sir Henry Craik : (a) If by "the people of India" the Honourable Member refers to certain Congress leaders, Government are aware of the views expressed by them. They do not believe that these views are generally held by the people of India.

(b) Does not arise.

PROCEDURE FOR SELECTION OF CANDIDATES FOR PUBLIC SERVICE COMMISSION EXAMINATIONS.

1387. ***Mr. Mohan Lal Saksena :** (a) Is it a fact that the Public Service Commission are empowered to restrict the number of candidates for admission to various examinations and to select the requisite number out of the applicants? If so, will Government be pleased to state the rules under which they have been empowered, as well as the procedure by which selections are made?

(b) What particular qualifications, if any, are taken into consideration while making such selections?

(c) Are the candidates interviewed for purposes of such selection?

(d) Are recommendations taken into consideration?

(e) Are Government aware of the great amount of dissatisfaction caused amongst the applicants by this method of selection? If so, are Government prepared to frame such rules as to minimise the aforesaid dissatisfaction and to leave no room for special favouritism?

The Honourable Sir Henry Craik : (a) I would refer the Honourable Member to the answer given by me on the 15th October, 1936, to part (c) of his question No. 1318.

(b) The Commission take into account all considerations which appear to them to be relevant.

(c) Not usually.

(d) I would refer the Honourable Member to the reply given to part (b). If by 'recommendations' he means canvassing, the answer is in the negative.

(e) Dissatisfaction is inevitable, the reduction is a disagreeable necessity. The Public Service Commission was set up in order to attain the object which the Honourable Member appears to have in mind.

SELECTION OF CANDIDATES BY THE PUBLIC SERVICE COMMISSION FOR THE INDIAN AUDIT AND ACCOUNTS SERVICE EXAMINATION.

1388. ***Mr. Mohan Lal Saksena :** (a) Is it a fact that for admission to the forthcoming competitive examination for the Indian Audit and Accounts and other services, a number of applicants who had better academic qualifications than those selected have been rejected?

(b) Is it not a fact that third class B.A.'s have been given preference over second class B.A.'s, M.A.'s and M.Sc.'s?

(c) If so, will Government explain the policy followed by the Public Service Commission in the matter of selection?

Mr. W. W. Nind : With your permission, Sir, I propose to reply questions Nos. 1388 and 1425 together. The information is being obtained and will be laid on the table in due course.

SELECTION OF CANDIDATES BY THE PUBLIC SERVICE COMMISSION FOR CERTAIN EXAMINATIONS.

1389. ***Mr. Mohan Lal Saksena :** (a) While making selection, do the Public Service Commission take into consideration the age of the candidates?

(b) If so, do they give such candidates preference as are likely to become over age over others? If not, why not?

The Honourable Sir Henry Craik : (a) and (b). I would refer the Honourable Member to the reply just given to part (b) of his question No. 1387.

SELECTION OF CANDIDATES BY THE PUBLIC SERVICE COMMISSION FOR CERTAIN EXAMINATIONS.

1390. ***Mr. Mohan Lal Saksena :** Will Government state whether, while making selection, the Public Service Commission give any preference to such candidates as have been refused admission at the previous examinations? If not, why not?

The Honourable Sir Henry Craik : I would refer the Honourable Member to the reply given to part (b) of his question No. 1387.

RULES REGARDING THE SELECTION OF APPLICANTS FOR ADMISSION TO PUBLIC SERVICE COMMISSION EXAMINATIONS.

1391. ***Mr. Mohan Lal Saksena :** Do Government propose to publish the rules regarding the selection of applicants for admission, for the information of the prospective candidates?

The Honourable Sir Henry Craik : I would refer the Honourable Member to the reply given on the 15th October, 1936, to part (c) of his question No. 1318. The rules for the various examinations are published.

REFUND OF FEES OF APPLICANTS NOT ADMITTED TO COMPETITIVE EXAMINATIONS OF THE PUBLIC SERVICE COMMISSION.

1392. ***Mr. Mohan Lal Saksena :** Do Government propose to make it a rule that the fees of such applicants as are not admitted to the competitive examination, shall be refunded?

The Honourable Sir Henry Craik : No examination fees are charged in such cases. Government see no reason to refund the application fees in view of the trouble and expense involved in dealing with the applications and in making a preliminary selection among the applicants.

BOOKS CONFISCATED UNDER THE SEA CUSTOMS ACT.

1393. ***Mr. Mohan Lal Saksena :** Will Government lay on the table a list of books confiscated under the Sea Customs Act?

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The Honourable Sir Henry Craik : If the Honourable Member will let me know the period for which the information is required, I will see whether it is possible to obtain it.

ABOLITION OF CLASSIFICATION OF POLITICAL PRISONERS.

1394. ***Mr. Mohan Lal Saksena :** (a) Are Government aware of the large number of meetings held all over the country on the 13th September, at which resolutions were passed urging for the abolition of classification of political prisoners and the creation of one class for all ?

(b) If so, what action, if any, have Government taken to ameliorate the condition of Political Prisoners ?

The Honourable Sir Henry Craik : (a) I have seen newspaper reports.

(b) I would refer the Honourable Member to the replies which I gave to parts (c) and (g) of Mr. Satyamurti's question No. 678, dated the 28th September, 1936, and to the supplementary questions asked thereon.

FILLING UP OF VACANCIES OF COOLIES AND WIREMEN IN THE ELECTRIC DEPARTMENT OF THE NORTH WESTERN RAILWAY, DELHI.

1395. ***Maulvi Badi-uz-Zaman :** (a) Is it a fact :

(i) that about twenty vacancies of coolies and wiremen were filled up in the Electric Department of the North Western Railway, Delhi, under the construction head ;

(ii) that not a single Muslim, except one or two, coolie has been recruited against these vacancies ; and

(iii) that these vacancies were not advertised ?

(b) If the replies to the parts above be in the affirmative, will Government please state what action they propose to take against the officer responsible for the infringement of rules of recruitment ?

The Honourable Sir Muhammad Zafrullah Khan : With your permission, Sir, I propose to reply to questions Nos. 1395 and 1396 together. Government have no information. These are matters of detailed administration within the competence of the Agent, North Western Railway, to whom copies of the questions have been sent for information and such action as he may consider necessary.

RECRUITMENT OF STAFF FOR ELECTRIC STATIONS TO BE OPENED AT MEERUT CITY, MUZAFFARNAGAR AND SAHARANPUR.

†1396. ***Maulvi Badi-uz-Zaman :** (a) Is it a fact :

(i) that stations of Electric Department are going to be opened at Meerut City, Muzaffarnagar and Saharanpur, etc., in near future ; and

(ii) that the recruitment for these stations will be made by Mr. Wadhawan, senior charginan ?

†For answer to this question, see answer to question No. 1395.

(b) If the answer to the preceding parts be in the affirmative, will Government please state what steps they propose to take to safeguard the interests of Muslims at the time of recruitment ?

CONFIRMATION OF SPECIAL TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

1397. ***Mr. Lalchand Navalrai :** With reference to the answer to part (c) of my starred question No. 220 asked on the 10th February last, will Government be pleased to state :

(a) whether the confirmation of the Special Ticket Examiners on the North Western Railway has since been ordered ; and

(b) if the reply to part (a) be in the negative, whether, in view of the fact that they were informed by the North Western Railway in last February, that the question of confirmation of the Special Ticket Examiners was in hand and that the orders would be issued shortly, they propose to direct the confirmation of Special Ticket Examiners at an early date, if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : I am collecting information and will lay a reply on the table of the House in due course.

PASS RULES ON THE NORTH WESTERN RAILWAY.

1398. ***Mr. Lalchand Navalrai :** (a) Are Government aware that under exception (ii) to Rule 36 of the Pass Rules issued by the North Western Railway Administration, lady typists, lady booking clerks, lady telephone clerks, lady teachers and lady nurses in hospitals, could be given second class passes irrespective of what salaries they may be drawing ? If so, why has such a rule been made ?

(b) Is it a fact that on revision of the Pass Rules under the Railway Board's letter No. 2740-T.A. of 21st September, 1935, only lady teachers in railway schools, lady typists, lady telephone clerks and railway hospital nurses are eligible for second class passes irrespective of what salaries they may be drawing ?

(c) Why have lady booking clerks and ticket collectors been denied the privilege of second class passes, irrespective of their pay ?

(d) Is it a fact that lately on the recommendations of the Advisory Committees, or public demand, a minimum quota of Indians is being recruited to the posts of lady ticket collectors and booking clerks and the privilege of second class passes is denied to them ?

(e) Do Government propose to direct that this discrimination in regard to lady ticket collectors and booking clerks be done away with ? If not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes ; the rule was intended to give certain classes of lady employees greater conveniences when travelling by train than they would ordinarily be entitled to on the basis of the salaries drawn by them, as at the time the

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rule was framed many years ago, they were being generally recruited from a better educated class than that from which the majority of similar employees were being recruited.

(b) Yes.

(c) and (d). Lady booking clerks and ticket collectors were deleted from the list of lady employees entitled to second class passes irrespective of their pay in accordance with the recommendations of the Indian Railway Conference Association. Government have not prescribed, nor are they aware that any Railway Administration has fixed a minimum quota in regard to the number of Indians that may be recruited.

(e) I am having the matter examined.

TENDER FOR THE SUPPLY OF INDIGENOUS RED OXIDE PAINT.

1399. *Raizada Hans Raj : (a) Is it a fact that the Indian Stores Department invited the supplementary tender No. M.-7344 in November, 1935, and gave contracts for the supply of Indigenous Red Oxide Paint Readymixed with the European firms Messrs. Jenson and Nicholson and Shalimar Paint Works at Re. 1-10-0 per gallon for painting of the State Railway Wagons ?

(b) Is it a fact that the change in painting the wagon bodies and underframes of the State Railways from Black to Red actually took effect from 1st September, 1936, instead of 1st March, 1936, the beginning of the financial year ? If so, will Government be pleased to state the reasons for not painting the wagons Red from 1st March, 1936, with Red Oxide paint at Re. 1-10-0 a gallon ?

(c) Is it a fact that Indian Stores Department has also placed contract for Artificial Red Oxide Paint Readymixed for Great Indian Peninsula Railway, at Re. 1-14-0 per gallon from the same European firm who is given the contract for the Indigenous Red Oxide Paint at Re. 1-10-0 a gallon ? If so, will Government be pleased to state the reasons for payment Re. 0-4-0 per gallon extra for the Artificial Red Oxide Paint from the same European firm for the use of Great Indian Peninsula Railway only ?

(d) Do Government propose to inquire into the reasons why the purchase at Re. 1-14-0 a gallon was made when a contract for the supply of Indigenous Red Oxide Paint was in force with the same firm at Re. 1-10-0 a gallon ? If not, why not ?

(e) Is it a fact that the Great Indian Peninsula Railway required a Red Oxide Paint to B S Shade 73 which is a natural Gulf Oxide Shade ?

(f) Are Government aware of the fact that Murarka's offer for Gulf Oxide in original tender No. M.-6430 was the lowest ?

(g) Are Government aware that this undermines the policy of the Government for the development of the Indian Paint Industry and do Government propose to enquire into the matter ? If not, why not ?

The Honourable Sir Frank Noyce : (a) Contracts for the supply of readymixed red oxide paints were awarded to both the firms mentioned. Two varieties of the paint, both of Indian manufacture, were purchased from the Shalimar Paint Works, one at Rs. 1-14-0 per gallon.

and one at Rs. 1-10-0 per gallon. One variety of the paint, also of Indian manufacture, was purchased from Messrs. Jenson and Nicholson at Rs. 1-10-0 per gallon.

(b) Yes. The reasons for giving effect to the change in painting wagons from 1st September 1936 were, firstly, because State Railways had stocks of black paint which had to be consumed, and secondly, because experiments had to be conducted to arrive at a satisfactory formula for the mixing and application of the red oxide paint.

(c) No, the red oxide paint purchased for the Great Indian Peninsula Railway is Katni Red Oxide paint and the contract was placed with Shalimar Paint Works. The second part does not therefore arise.

(d) Does not arise.

(e) The Great Indian Peninsula Railway requires a certain quantity of red oxide paint of the shade mentioned for painting coaches, but for painting wagons that shade is not essential.

(f) Presumably the Honourable Member refers to tender No. M.-6470. The Murarka Paint and Varnish Works, Limited, did not submit the lowest offer for the different varieties of gulf oxide.

(g) This does not arise.

INITIATION OF A NEW GRADE OF CLERKS FOR SUPERVISORY DUTIES IN TELEGRAPH OFFICES.

1400. *Mr. Muhammad Azhar Ali : (a) Will Government be pleased to state whether it is a fact, that the Posts and Telegraphs Department have, recently, initiated a new grade of clerks for supervisory duties in Telegraph Offices ?

(b) What is the pay and prospects of these officials ?

(c) What are their duties and functions ?

(d) Who performed these duties previously ?

(e) How are the aforementioned appointments made ? Is it by regular examination ? If not, why not ?

(f) Is it not the case that outsiders are being subsidized to instal plant and apparatus on the Engineering side, and that the cadre of divisional engineers are being increased ?

(g) Did Government consider whether educated men could be induced into this special cadre from amongst graduates at least, and others suited to the nature of supervisory duties involved ?

(h) Do Government propose to restrict these offices exclusively to suitable telegraph element, or, in the alternative, appoint only graduates to these posts ? If not, why not ?

The Honourable Sir Frank Noyce : (a) No.

(b) to (e). Do not arise.

(f) The reply to both parts of the question is in the negative.

(g) Government have no reason to believe that there is any need to recruit graduates for this particular purpose as suitable men with experience are available among the existing staff.

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(h) The reply to the first part is in the negative. As regards the latter part, the Honourable Member's attention is invited to the reply given to part (g) of the question.

RAILWAY COLLISION BETWEEN TINSUKIA AND LUMDING DISTRICT ON THE ASSAM-BENGAL RAILWAY.

1401. *Mr. Kuladhar Chaliha : (a) Will Government be pleased to state how many railway collisions happened or were averted on the Assam Bengal Railway between September, 1933 and April, 1935, between Tinsukia and Lumding districts ?

(b) Was a collision averted at Mariani on 9th December, 1935, between 303-Up Mixed Train and 30-Down Assam Mail ?

(c) Was an Assistant Station Master dismissed on this account ?

(d) Who signed the Train Warning Approach Book ?

(e) Was there an averted collision between 29-Up Assam Mail and Down Goods Special on 18th May, 1934, at Furkating Railway Station of the Assam Bengal Railway ?

(f) Was there an averted collision between 301-Up Mixed and 32-Down Mixed Train at Lumding of the Assam Bengal Railway line on 1st March, 1935 ?

(g) Will Government please state whether wholtime Yard Assistant Station Master works at that junction, who is directly responsible for attending to the points ?

(h) Did a collision occur at Sapekhati Railway station of the Assam Bengal Railway on 13th July, 1936, between 32 Down Mixed Train and 349-Up Goods Train, when cow-catchers were broken and passengers badly shaken ?

(i) Will Government please state whether in this station only the Station Master is responsible for points and no other officers are kept to help him ?

(j) Will Government be pleased to state whether Train Warning Approach Books are kept at junction stations ?

(k) Who keeps them ? Who are primarily responsible for points at such junctions ?

(l) What are the working hours of an Assistant Station Master in Railway Companies ?

(m) How many hours a day an Assistant Station Master at Lumding, Tinsukia, and Mariani stations of the Assam Bengal Railway works, and whether he works more hours a week than the Act allows ?

The Honourable Sir Muhammad Zafrullah Khan : I am obtaining the information asked for by the Honourable Member and will lay a reply on the table when it is received.

APPOINTMENT OF ASSAMESE IN THE SUPERIOR SERVICE OF THE ASSAM-BENGAL RAILWAY.

1402. *Mr. Kuladhar Chaliha : (a) Will Government please state whether any officer has ever been appointed in the superior service of

the Assam Bengal Railway from the people of Assam, through which area this railway passes and from which revenue is received ? If not, why not ?

(b) Do Government propose to move the Agent and the Home Board of the Railway that claims of such candidates should be given first preference in future in filling up the vacancies ?

The Honourable Sir Muhammad Zafrullah Khan : (a) As regards the first part of the question, Government have no information. The latter part does not arise.

(b) Government have not accepted the principle of making recruiting on territorial basis but they are informed by the Agent, Assam Bengal Railway, that the claims of Assamese candidates have been given and will continue to be given full consideration in fresh recruitment, provided candidates possessing the necessary qualifications were available.

APPOINTMENT OF MR. HOMAN AS DIVISIONAL SUPERINTENDENT, KARACHI.

1403. *Sardar Sant Singh : (a) Is it a fact that Mr. Homan, Divisional Superintendent, Karachi was condemned on the East Indian Railway as unfit to hold charge of a Division ?

(b) Is it a fact that this new officer has again been given a chance on the North Western Railway, and that Indian officers against whom there is nothing and who have never been tried and condemned, are not being given a chance at all ?

The Honourable Sir Muhammad Zafrullah Khan : (a) No.

(b) Does not arise.

WORKING HOURS OF DRIVERS WORKING BETWEEN ROHRI AND SIBI ON THE NORTH WESTERN RAILWAY.

1404. *Mr. Lalchand Navalrai : (a) Will Government be pleased to state if drivers on the North Western Railway working between Rohri and Sibi, are made to work without sufficient rest being given to them ?

(b) Is it a fact that 279-Up Fruit Train starts from Rohri at 10 A.M. and reaches Sibi at 17-35 and 54-Down Passengers leaves Sibi at 1-7 A.M. and arrives at Rohri at 23 hours ?

(c) Is it a fact that the driver and firemen, who run with 279 Fruit Train, return in charge of 54-Down Passenger and get only about 4½ hours rest ?

(d) Has this fact of their under-rest making the happening of some accident likely, come to the notice of the authority ? If so, what steps have they taken to provide for sufficient rest for this running staff ?

(e) Do Government propose in the interest of the safety of the travelling public to issue orders for regulating their duties with sufficient intervals for rest ?

The Honourable Sir Muhammad Zafrullah Khan : Government have no information. The matters referred to are of detailed administration within the competence of the Agent, North Western Railway, to whom a copy of the question has been sent for information and such action as he may consider necessary.

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(b) to (d). In view of my reply to part (a), I am unable to reply to these parts of the question, but I may inform the Honourable Member that it is open to the staff concerned to represent any grievances they may have to the proper authority who will examine the matter and take suitable action.

APPROVED CANDIDATES OF EACH COMMUNITY EXAMINED AND DECLARED SUCCESSFUL IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

1409. *Mr. Muhammad Anwar-ul-Azim : (a) Is it a fact that the Director General of Posts and Telegraphs issued certain orders in August, 1935, requiring all departmental and outsider approved candidates and those who had even permanently been appointed from 1st April, 1935 to undergo a fresh examination according to some revised syllabus ?

(b) If the reply to part (a) above be in the affirmative, will Government kindly intimate (i) the number of approved candidates of each community examined and declared successful under these orders in the Punjab and North-West Frontier Circle and (ii) the number of permanent hands who appeared in the said examination and were declared successful, communitywise ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) Government regret that the information asked for by the Honourable Member is not readily available and that as an undue expenditure of time and labour would be involved in collecting it they do not propose to do so.

COMMUNAL COMPOSITION OF THE STAFF IN THE SIMLA HEAD POST OFFICE.

1410. *Mr. Muhammad Anwar-ul-Azim : (a) Will Government kindly place on the table a statement showing the number of candidates permanently appointed in various cadres, viz., clerks, postmen, packers and other inferior servants in the Simla Head Office since September, 1926 up to date ?

(b) How many vacancies were filled by Muslims under Government's orders regarding the third vacancy rule for redressing of communal inequalities ?

(c) Are Government aware of the fact that the Director General of Posts and Telegraphs has also issued clear instructions that Muslims, being by far the important minority community, should get the greater portion of the reservation ?

(d) If the reply to part (c) above be in the affirmative, are Government aware of the fact that both the Government's and the Director-General's orders have been totally disregarded so far as the recruitment of Muslims in the Simla Head Office is concerned ?

(e) If the reply to part (d) above be in the affirmative, what action do Government propose to take against the officer or officers concerned for disobedience of orders and how do they propose to redress the wrong done to the Muslim community ?

QUESTIONS AND ANSWERS.

The Honourable Sir Frank Noyce : (a) and (b). Government regret that they are unable to furnish the information as its collection would involve an undue expenditure of time and labour.

(c) Yes.

(d) Government have no information nor do they propose to call for it. It is the duty of the head of the circle who receives annually a communal statement relating to recruitment from all recruiting officers to take suitable action if Government's orders have not been observed.

(e) Does not arise.

TASK MESSENGERS EMPLOYED IN THE LAHORE TELEGRAPH OFFICE.

1411. *Mr. Muhammad Anwar-ul-Azim : With reference to the reply given by the Honourable Sir Frank Noyce, to starred question No. 1684 in the last Delhi Session of the Assembly, will Government kindly state how many of the present task work messengers employed in the Lahore Government Telegraph Office have been recruited directly and how many by promotion ?

The Honourable Sir Frank Noyce : Twenty-nine and seven, respectively.

COMMUNAL COMPOSITION OF CANDIDATES DECLARED SUCCESSFUL IN THE EXAMINATION FOR RECRUITMENT OF WIRELESS OPERATORS.

1412. *Mr. Muhammad Anwar-ul-Azim : (a) Will Government kindly state the number of candidates who were declared successful in the last examination held for the recruitment of wireless operators after the issue of the Government of India, Home Department's Resolution of 4th July, 1934, regarding communal representation in services ?

(b) How many Muslims were appointed on merit and how many by reservation as wireless operators ?

(c) If Muslims were given no appointment on merit or reservation, what are the reasons therefor ?

(d) What action do Government propose to take in order to remedy the harm done to the Muslim community and for disregard of clear instructions regarding reservation of Muslim representation ?

(e) Are not Government prepared to have this examination which is of All-India nature conducted by the Public Service Commission ?

The Honourable Sir Frank Noyce : (a) Forty-nine.

(b) None.

(c) No Muslim was selected because the only Muslim who qualified by obtaining the prescribed minimum marks was taken as an Engineering Supervisor which is a better paid post. The reservations are subject to the attainment of the minimum standard.

(d) Does not arise.

(e) As the Wireless Operators' service is a subordinate service, recruitment to it does not come within the scope of the functions of the Public Service Commission.

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ENQUIRY REGARDING WORKING OF THE INCOME-TAX DEPARTMENT.

1413. *Babu Baijnath Bajoria : Will Government be pleased to state :

- whether the experts who came from England to conduct an enquiry about the working of the Income-tax Department and for revising the Income-tax rules have finished their enquiry ;
- whether they have signed their report ; if so, on what date ;
- whether their report will be published in the newspapers ; if not, why not ;
- whether their report will be placed before this House for discussion ; if not, why not ; and
- why an Indian commercial representative was not nominated to serve on this enquiry ?

Mr. W. W. Nind : (a) Yes.

(b), (c) and (d). I would refer the Honourable Member to the reply given to question No. 878 on the 8th October, 1936.

(e) I would refer the Honourable Member to the remarks of the Honourable the Finance Member on this subject in the report of the proceedings of the Assembly for the 4th of April, 1935—pages 3650-51 and 3667.

REDUCTION OF TELEPHONE TRUNK CALL CHARGES.

1414. *Babu Baijnath Bajoria : (a) Are Government aware that the Trunk Telephone lines, specially between Calcutta and Delhi, Calcutta and Bombay, and Bombay and Delhi, are most important from a commercial point of view and that they are making large profits on these lines ?

(b) Is it not a fact that Government are making large profits from the Telephone Department every year ?

(c) Will Government be pleased to state the amounts and percentage of profits made by the Telephone Department during each of the last three years ?

(d) Do Government contemplate reducing the telephone charges, specially for trunk calls, in the near future ? If not, why not ?

The Honourable Sir Frank Noyce : (a) Since the lines link up important commercial centres they may be regarded as important trunk lines. As separate profit and loss accounts for the different trunk circuits are not maintained, it is not possible to give a definite reply to the query in the second part of the question.

(b) Since the year 1925-26 when the accounts of the Department were placed on a commercial basis, the Telephone Branch has been working at a profit, excepting during the years 1925-26, 1927-28 and 1930-31.

(c) Profits for the years 1933-34 to 1935-36 were Rs. 2,73,000, Rs. 23,67,000 and Rs. 13,44,000 respectively. The emergency deduction in pay of staff contributed to some extent to the profits of 1933-34 and

1934-35. The large profit during 1934-35 was due to the fact that contribution to the Depreciation Fund in that year was limited to the actual expenditure on renewals and replacements. The figure for 1935-36 is provisional, as the final accounts for the year have not yet been made up. The percentage of profits based on the capital outlay of the telephone branch works out to 1.34, 10.89 and 5.73 during the three years 1933-34, 1934-35 and 1935-36 respectively.

(d) Government do not contemplate any reduction in the telephone charges at present. The rates for subscribers on Government telephone systems were reduced in 1934, and as regards trunk call charges a maximum charge of Rs. 10 for a three minutes' conversation was fixed between any two points in India. The Department as a whole is still not working at appreciable profit and Government are not therefore in a position to sacrifice revenue from the telephone branch by reducing rates.

REMOVAL OF DISQUALIFICATION OF CANDIDATES CONVICTED OF POLITICAL OFFENCES DESIRING TO CONTEST THE ENSUING ELECTIONS.

1415. *Mr. S. Satyamurti : Will Government be pleased to state :

- whether the removal of the disqualification under sub-section I (e) of section 69 of the Government of India Act, 1935, of persons desiring to stand as candidates to a Provincial Legislature is being treated as an all-India question ;
- whether Local Governments have referred this matter to the Government of India for their opinion ;
- whether any rules have been framed for the exercise of discretion by the Governor before Part III of the Act comes into force on the 1st April next, as is expected ;
- whether they are considering the question of giving any instructions to Local Governments in respect of the matter ; and
- whether they have laid down or proposed to lay down a rule to the effect that all persons, convicted of political offences not involving violence to person or property, will have their disqualifications removed, and if not, why not ?

The Honourable Sir Henry Craik : As I stated in my reply to question No. 1353 by Mr. Avinashilingam Chettiar, the authority empowered to remove disqualifications is the Governor-in-Council and not the Government of India. The Government of India do not propose to issue any instructions in the matter.

ALLEGED MONETARY AGREEMENT BETWEEN ENGLAND, FRANCE AND AMERICA.

1416. *Mr. T. S. Avinashilingam Chettiar : Will Government state :

- whether they are aware of the reported news on page 1 of the *Hindustan Times*, dated the 27th September, 1936, regarding the monetary agreement between England, France and America ;
- what are the terms of the agreement ; and

- (c) whether they have considered how it will affect the foreign trade of this country ?

Mr. W. W. Nind : I have nothing to add to what the Finance Member said on this subject in the course of the debate on the adjournment motion on the 8th October.

**ARREST AND DETENTION OF CERTAIN PERSONS OF THE MOHMAND TRIBE,
RESIDENTS OF PESHAWAR DISTRICT.**

1417. ***Dr. Khan Sahib :** Will Government be pleased to state :

- (a) if it is a fact that certain persons of the Mohmand Tribe, residents of Peshawar District, have been arrested and detained in what is generally called the political *hawalat* (political lock-up) ; and

- (b) if the answer to part (a) be in the affirmative, the reasons and period of their detention, and how long Government intend to detain them ?

Sir Aubrey Metcalfe : (a) A number of Mohmands belonging to a particular section were arrested under section 21 of the Frontier Crimes Regulation and are still in custody under the provisions of that section.

(b) The reason for their detention is that the faction to which they belong has been acting in a hostile manner towards the Government. They will remain in confinement until a settlement has been effected with Government.

**EXAMINATION FOR APPOINTMENT OF CLERKS IN THE ALLAHABAD GENERAL
POST OFFICE.**

1418. ***Seth Haji Abdoola Haroon :** (a) Will Government be pleased to state whether an examination was held in the month of September, 1934 for appointment of clerks in the Allahabad General Post Office ?

(b) Is it a fact that about four hundred youngmen sat at the examination held for this purpose ? If not, how many did ?

(c) Is it a fact that out of those men that sat for the examination mentioned in part (a) above, some were selected in the month of June, 1935 and were appointed as lower division clerks after furnishing security of rupees three hundred each ?

(d) Are Government aware that some of the men selected for appointment as lower division clerks, were studying for higher degree, but had to leave the same owing to the question of unemployment, and desired to settle in life earlier ? If not, will Government please enquire how many men were obliged to leave their studies to get these appointments ?

(e) Will Government please state why the men concerned are going to be re-examined and why they are not confirmed in the newly constituted second grade ? If not, why not ?

(f) Will Government please state the minimum qualification required for appointment as second grade clerks ?

(g) Is it a fact that the men already selected have passed the B.A., F.A., High School or Matriculation examinations ? Are Government prepared to enquire into this matter and stop any further examination ? If not, why not ?

(h) Is it a fact that some of the men working since their selection have become over age ?

The Honourable Sir Frank Noyce : (a) to (e), (g) and (h). Government have no information and do not propose to call for it. If any individual has a grievance he can represent it to the proper authority in the usual manner.

(f) The minimum educational qualification required for appointment as clerk in the post office is a pass in the matriculation or equivalent examination.

**DIFFERENCE BETWEEN THE OLD LOWER DIVISION AND NEW SECOND GRADE
CLERICAL CADRES IN THE POSTS AND TELEGRAPHS DEPARTMENT.**

1419. ***Seth Haji Abdoola Haroon :** (a) Will Government be pleased to state the difference between the old lower division and newly constituted second grade clerical cadre in the Posts and Telegraphs Department ?

(b) Is it a fact that the nature of work to be performed by either of the above two classes of clerks is the same ?

(c) If the reply to part (b) above be in the negative, will Government please state the circumstances under which the old lower division has been amalgamated with the newly constituted second grade clerks ?

(d) If the reply to part (b) above be in the affirmative, will Government be pleased to state the necessity of treating the results of the previous examinations for selection of candidates for appointment as lower division clerks as null and void, and holding fresh examinations for the purpose ?

(e) Is it a fact that the approved candidates, who had been confirmed as lower division clerks, are working satisfactorily as second grade clerks (old lower division clerks) since last four or five years ?

(f) Is it a fact that not a single Postmaster General or any other head of an office under the Postmasters General, has complained of the inefficiency of the newly appointed men ?

(g) If the reply to parts (e) and (f) above be in the negative, are Government prepared to cancel the further examination of the candidates, who have once qualified and been declared fit by the Head of the offices ? If not, why not ?

(h) If the reply to parts (e) and (f) above be in the affirmative, do Government propose to issue instructions to examine only those men, who have been declared as inefficient ?

The Honourable Sir Frank Noyce : (a) Clerks in the old lower division were required to perform routine duties involving responsibility of a minor degree. The newly constituted second grade clerks are required to perform all the duties of a clerk and the duties between first grade and second grade clerks are interchangeable.

(b) No.

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(c) The fact is not as stated by the Honourable Member. Recruitment to the old lower division has been discontinued.

(d) Does not arise.

(e) and (f). Government have no information.

(g) and (h). Do not arise.

SEASONAL ASSISTANT MISTRIES IN THE POSTS AND TELEGRAPHS DEPARTMENT.

1420. *Seth Haji Abdoola Haroon : (a) Is it a fact that Government have sanctioned a scale of Rs. 20—1—40 for the cadre of seasonal assistant mistries ?

(b) If the reply to part (a) be in the affirmative, will Government please state how the increment is to be counted, when the seasonal mistries are appointed for eight months only in the year ?

(c) Will Government please state if there is any other cadre which in spite of being seasonal, has got time scale of pay ?

(d) Is it a fact that the pay of the seasonal assistant mistries who are called wiremen also, was fixed as 30 rupees per month ?

(e) Is it a fact that the present seasonal assistant mistries are working for the last four years every season for eight months in the year ?

(f) Will Government please state if they have ever received any increment during this period ? If not, why have they been brought on time-scale of pay ?

(g) If Government are not prepared to grant annual increment to the seasonal assistant mistries or wiremen, are Government prepared to consider their case and bring them on the old scale of pay, which is an average of Rs. 20 to 40, viz., Rs. 30 per month ? If not, what step do Government propose to take to grant them annual increments, and how will the same be calculated ?

The Honourable Sir Frank Noyce : Information is being collected and a reply will be placed on the table of the House in due course.

NON-ELIGIBILITY OF TEMPORARY GOVERNMENT SERVANTS TO BECOME MEMBERS OF RECOGNISED UNIONS AND ASSOCIATIONS.

1421. *Seth Haji Abdoola Haroon : (a) Is it a fact that the approved candidates and the men in temporary services of Government are not entitled to become members of the recognised unions and associations ?

(b) If the reply to part (a) be in the affirmative, will Government please state what other source these employees of Government can adopt in case their grievances are not redressed by the head of their offices ?

(c) Have Government received complaints of great injustice in regard to the appointment of mistries in the United Provinces Circle of the Posts and Telegraphs Department, and in the post of mail guard and porter under the Superintendent, R. M. S. "A" Division, Allahabad ? Do Government propose to investigate this matter ?

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(d) What step do Government propose to take to ensure justice to the men, who have got genuine grievances, but which have not been redressed ?

(e) Do Government propose to allow such men also to be members of the recognised unions and associations, so that they can have their grievances placed before Government through these bodies ? If not, why not ?

The Honourable Sir Frank Noyce : (a) Approved candidates are not allowed to become members of recognised service unions or associations as they are not Government servants, but men in temporary service of Government are entitled to become members of the recognised service unions or associations for so long as they remain in service.

(b) Does not arise.

(c) and (d) Government have no information nor do they propose to obtain it as it is open to the persons concerned to represent to the proper authorities in the usual manner.

(e) Government cannot allow non-Government servants to become members of recognised service unions or associations of Government servants.

LEGISLATION TO REGULATE BANKING BUSINESS.

1422. *Mr. Mathuradas Vissanji : (a) Are Government aware of the strong recommendations of the Central Banking Enquiry Committee's Report for a comprehensive separate legislation to regulate Banking business in this country ?

(b) Have Government received any representations from commercial bodies regarding such legislation and, if so, will Government be pleased to state what reply they have made to those representations ? How long ago were these representations received and have any of them since been repeated ?

Mr. W. W. Nind : (a) Yes.

(b) The representations received were considered while drafting the Indian Companies (Amendment) Bill and were also placed before the Select Committee of the House which considered that Bill.

CONTRIBUTION TO THE DURAND TOURNAMENT COMMITTEE FROM THE CENTRAL FINANCES.

1423. *Mr. D. K. Lahiri Chaudhury : (a) Will Government be pleased to state whether there is any contribution to the Durand Tournament Committee from the Central Finances, either from the army estimates or from the grants-in-aid contribution from the civil estimates ?

(b) Will Government be pleased to state whether soldiers are placed at the disposal of the Durand Committee during the matches for keeping order in the field ?

(c) If so, are Government aware of the fact that the soldiers who were present in the field on the evening of the 30th September, 1936, at Anhandale were asked by the Durand Committee officials to disperse the crowd ?

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(d) Will Government be pleased to state whether the Durand Committee had any authority to order the soldiers to disperse the crowd?

(e) If the Durand Committee Secretary or the members thereof had no authority, will Government be pleased to state under whose orders the soldiers belonging to the Royal Scots and other regiments roughly handled the Indian spectators at the Annandale ground on the evening of the 30th September when the Indian public went to lodge their protest against the partiality of the European referee against the Indian players?

(f) Are Government aware of the fact that the incidents which took place at the Annandale football ground on the evening of the 30th September, have caused great alarm and panic amongst the public?

(g) If not, do Government propose to make a searching enquiry about the conduct of the European soldiers present in the ground specially including the Royal Scots Regiment? If not, why not?

(h) Is it a fact that the assault resulted in serious injuries to several spectators? If so, will Government be pleased to state the nature of injuries and the present condition of the injured persons?

The Honourable Sir Henry Craik : (a), (b), (c), (d) and (f). No.

(e) There is no proof that soldiers roughly handled the spectators.

(g) Government do not consider any enquiry necessary, beyond the usual police investigation.

(h) No. Only three persons received injuries, two very slightly and one boy received a cut on the head. As the injuries were not of a serious nature, all the three persons are now believed to have recovered.

EXTRA DEPARTMENTAL POST OFFICES.

1424. ***Dr. Ziauddin Ahmad :** (a) Will Government be pleased to state what is meant by Extra Departmental Post Offices?

(b) Are Government responsible for the efficiency of these Extra Departmental Post Offices?

(c) How many (i) permanent and (ii) temporary Extra Departmental Post Offices exist in India; and how many of these are branch sub-post offices?

(d) Is it a fact that the staff of these Extra Departmental Post Offices are not supposed to be Government servants?

(e) Is it a fact that this work is done by contract system?

(f) Is it not a fact that regular Post Offices, even in towns having a population exceeding ten thousand, have been converted into Extra Departmental Post Offices? If so, why?

The Honourable Sir Frank Noyce : (a) Extra Departmental post offices are post offices in charge of persons who are not whole-time and permanent servants of Government and such persons are paid an allowance instead of salary.

(b) Yes.

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

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(d) The fact is not as stated by the Honourable Member. Extra-departmental agents are Government servants but they are not whole-time Government servants.

(e) No.

(f) There may be such cases. If so, the reason for the conversion has been the desire to secure economy.

SELECTION OF CANDIDATES BY THE PUBLIC SERVICE COMMISSION FOR THE INDIAN AUDIT AND ACCOUNTS SERVICE EXAMINATION.

1425. ***Bhai Parma Nand :** (a) What is the number of candidates who applied for admission to the Accounts and Audit examination to be held by the Public Service Commission?

(b) How many of them were selected to sit for the examination?

(c) Are there any rules which govern the selection?

(d) How many of the selected candidates were Hindus and how many were Muslims?

(e) Is it a fact that second-class M. A. Hindus, some of whom had not admission to the I. C. S., were rejected while third class Muslim graduates have been selected?

(f) Is it a fact that the intimation of the rejection is given to the candidates only two months previous to the date of the examination?

(g) Do Government propose to permit the rejected candidates to sit for the examination this year and frame definite rules for admission for the future?

SCHEME TO RETIRE GOVERNMENT SERVANTS AT THE AGE OF 50.

1426. ***Bhai Parma Nand :** (a) Is there any scheme under consideration of the Government of India to retire Government servants at the age of 50, as a measure to remedy widespread unemployment?

(b) If so, when is it going to come to maturity?

Mr. W. W. Nind : (a) No.

(b) Does not arise.

ARREST AND DETENTION OF SARDAR GURUCHARAN SINGH.

1427. ***Sardar Sant Singh :** (a) With reference to the answer given to my unstarred question No. 588, on the 7th April, 1936, regarding the arrest and detention of Sardar Gurucharan Singh, will Government be pleased to state if the report on the last half-yearly review of his case indicates any disloyal activity on his part?

(b) With reference to Government's answers to parts (d) and (e) of the question referred to above, is Sardar Gurucharan Singh still carrying on any disloyal activity?

†For answer to this question, see answer to question No. 1388.

(c) With reference to the answer given to part (f) of the question referred to above, does the expression "private debts" include any amount raised on the security of his immovable property? If not, has such immovable property been restored to him, in view of the deduction of Rs. 2,000 a month from his allowance now being made by the Nabha Durbar, as against the payment by the Durbar of the balance due on the secured debt?

(d) Have Government received a letter from Sardar Gurucharan Singh, sent through his counsel, in February last, and addressed to the late Viceroy, the Earl of Willingdon, in which he denies any disloyal activity and declares his continued loyalty to the Crown? If so, have Government any ground still to persist in the charge of disloyalty against him?

Sir Aubrey Metcalfe : (a) The report is a confidential document and Government are not prepared to disclose its contents.

(b) Government consider that it is not in the public interest to make any statement.

(c) The answer to the first part is in the negative; the second part does not arise.

(d) No such letter has been received by Government through the correct channel; no action is taken on communications received otherwise than through such channel.

MAINTENANCE ALLOWANCE FOR THE INHERITANTS OF THE PROPERTY UNDER THE COURT OF WARDS MANAGEMENT IN DELHI.

1428. ***Mr. Muhammad Azhar Ali :** (a) Will Government kindly explain whether the Local Government sanctioned any maintenance allowance for the inheritants of the property taken over for management by the Court of Wards, Delhi? If not, why not?

(b) Will Government kindly state what improvements the Court of Wards has made so far in the state in question? If not, why not?

Sir Aubrey Metcalfe : With your permission, Sir, I will answer questions Nos. 1428—1431 together. The information required is being collected and will be laid on the table in due course.

CLAIMS OF SHAHZADA SALEEM MUHAMMAD SHAH'S DEBTORS.

†1429. ***Mr. Muhammad Azhar Ali :** Will Government kindly state if the Court of Wards is entitled to accept the claim of Shahzada Saleem Muhammad Shah's debtors, without the proper adjudication of the Civil Court as mentioned in Deputy Commissioner's letter No. 436/M., dated 4th July, 1928?

COSTS OF LITIGATION FOR EXECUTION OF DECREES ON THE SIDE OF THE COURT OF WARDS.

†1430. ***Mr. Muhammad Azhar Ali :** (a) Will Government be pleased to state who is being debited with the costs of litigation in the matter of execution of the decree on the side of the Court of Wards?

†For answer to this question, see answer to question No. 1428.

(b) What were the costs of litigation of the suit and how much expense have the estate of the deceased Prince Mirza Saleem Shah been debited with regard to the defence of the execution?

APPOINTMENT OF A Girdawar Qanungo AS MANAGER OF THE COURT OF WARDS.

†1431. ***Mr. Muhammad Azhar Ali :** (a) Is it a fact that a girdawar qanungo was appointed as Manager of the Court of Wards over 12 years ago, and the same person continues to hold charge of the post?

(b) Is it a fact that Mirza Fayyazuddin, husband of Shahzadi Badshah Jahan Begum (father of Mirza Khairuddin) was got expelled by her from Rang Mahal, by the help of the Police?

(c) Are Government aware that the Manager of the Court of Wards has acquired access to the Shahzadi Badshah Jahan Begum in addition to his official duties, and that he is not from among the members of the ex-Royal house?

(d) Are Government aware that the Manager of the Court of Wards is trying to give his eldest daughter in marriage to Shahzada Khairuddin to devour the estate, and the betrothal has been settled between Shahzadi Badshah Jahan Begum and the Government servant, the Manager of the Estate, please?

(e) Have these facts ever come to the notice of the Government? If so, what steps has Government taken in the matter?

(f) Have Government awarded permission to the Manager of the Court of Wards to take up, besides Management of the Court, management of the private affairs of the Begums of the Rang Mahal?

(g) Has not the Manager of the Court been an obstruction in the way of the inheritants of the property, and has he not entailed litigation by his collusion with one branch of the house, as has been remarked by the Judge of the Civil Courts in their judgments in suit No. 235/127 of 1922 adjudicated, dated 10th May, 1925, and No. 81/139 of 1928/1934 decided on 30th October, 1935?

(h) Have not Government seen the following remarks made by the Civil Judge :

"The Government did express its desire to endeavour to obtain from a civil court a decision as to Saleem Muhammad Shah's share in the property as expeditiously as possible. The Chief Commissioner also wrote that if Saleem Muhammad Shah applied to the Court, the Court of Wards will give all possible aid to the civil Court in order to arrive at an early decision, with the least possible cost to the litigants. But this was not to be. The Court of Wards severely contested the case, as if it were its own."

(i) What action did Government take against the Manager of the Court after these remarks of the Civil Judge? If not, why not?

ARRANGEMENTS FOR EDUCATION IN RURAL SCIENCE IN THE RURAL AREAS OF THE DELHI PROVINCE.

1432. ***Mr. Muhammad Azhar Ali :** (a) Will Government please state what arrangements they have made for imparting education in Rural Science in the rural area of the Delhi Province?

†For answer to this question, see answer to question No. 1428.

(b) Is it a fact that the Delhi Province, Education Department, has no arrangements for conducting vernacular middle school examination and that the same is being conducted by the Punjab Government and from there the students get their *sanads*?

(c) Is it a fact that the Delhi Government, Education Department, have no syllabus of their own, but it is the Punjab Education Department that enforce in Delhi their own syllabus like that in their own province?

(d) Is it a fact that some years ago the Punjab Government had announced that Rural Science will be treated a compulsory subject from 1937?

(e) What special arrangements did the Delhi Education Department make for the Rural Science courses in the village schools in the province of Delhi?

(f) Will Government please give the names of the Rural Science courses that are being taught in the Delhi Province?

(g) Will Government kindly state the number of the Rural Science teachers and Agricultural Inspectors employed in this Province as well as number of agricultural farms attached to all these centres?

(h) Is there any Rural Science expert already employed in any institution in this province? If so, has he been entrusted with the duties of inspection of the village schools?

Mr. M. W. Yeatts : (a) Instruction in Rural Science is imparted in one District Board Vernacular Middle School at Palam in Delhi.

(b) Yes. This is administratively convenient owing to the small numbers involved.

(c) It follows from the answer to (b) that the Punjab syllabus operates in Delhi.

(d) Yes, but there are alternatives.

(e) Rural science is not taught in village schools.

(f) The course and books prescribed by the Punjab Education Department are followed in Delhi province.

(g) One rural science teacher is employed in the school mentioned in (a) to which an agricultural farm is attached. There is also one in the Normal School, Najafgarh. No Agricultural Inspector is employed in Delhi as the Punjab Agricultural Inspector does the work.

(h) Yes, in the Normal School, Najafgarh. As already remarked, village schools do not take rural science which is a middle school subject.

APPOINTMENT OF A DIRECTOR FOR VILLAGE PROGRAMME AT THE DELHI BROADCASTING STATION.

1433. ***Mr. Muhammad Azhar Ali :** (a) Is it a fact that there is no qualified Director for village programme at the Delhi Broadcasting Station?

(b) Are Government contemplating appointment of an expert in the matter?

The Honourable Sir Frank Noyce : (a) There is no Director for village programmes attached to the All-India Radio at Delhi, but the Controller has the assistance of a Director of rural broadcasting who is paid by the Punjab Government, in supervising the arrangements for rural broadcasting in parts of the Punjab.

(b) The Controller and the staff of the All-India Radio are gaining valuable experience from the work now being done and the question whether a special officer for village programmes is necessary will depend upon the results of their experience and of developments in the future.

ASSAULT ON A GIRL IN THE BHOPAL UJJAIN PASSENGER TRAIN.

1434. ***Mr. Lalchand Navalrai :** (a) Are Government aware of the sensational case pending in the Court of the Headquarter Magistrate, 'Hoshangabad'; where it is alleged that a ruffian boarded 45-Down 'Bhopal Ujjain passenger train', entered ladies' compartment, committed criminal outrage upon a girl of 17 years old, pulled off her ear-rings, tearing the holes of her ears, bit off her nose, parts of her cheeks, forehead and arms and further picked up her one year's old baby by the throat, bit off its nose, pulled out one of its eyelids and bit its cheeks and the forehead?

(b) What safeguards have Railway authorities provided against such tragic and not uncommon occurrences besides the communication chords which the miscreants do not allow to be made use of on such occasions?

(c) Do Government propose to consult some experts and to devise new adequate methods sufficient to deter such nefarious acts being committed on the railways and entry into running trains?

(d) Is it a fact that the railway rules prohibit a male passenger travelling in a female compartment, even when it is occupied by his own family and he undertakes to vacate it in case any other lady gets in and objects to his being there?

(e) If so, are Government prepared to remove such a restriction and allow a relative male member to travel when the lady is alone?

(f) In view of the danger of such aforesaid occurrences, do Government propose to initiate introduction of corridor trains? If so, when?

(g) Do Government propose to have the new proposed third class carriages to be built with corridors? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan : (a) No, but the Agent, Great Indian Peninsula Railway, states that he is aware of the case.

(b) The only safeguarding appliance provided is the communication chain, but the Agent, Great Indian Peninsula Railway, states that each train is accompanied by two police constables in plain clothes whose duty it is to patrol the train during halts at stations, one on the platform side and one on the off side, with a view to the prevention and detection of crimes; and at stations where there are railway watch and ward staff on duty, such watchmen are instructed to keep an eye on the off side of ladies' compartments, so as to prevent persons attempting to enter such compartments from that side.

(c) Government do not consider that any form of apparatus would effectually prevent miscreants from entering a compartment for the commission of such crimes.

(d) and (e) I would refer the Honourable Member to section 119 of the Indian Railways Act which penalises a male person entering a carriage reserved for the exclusive use of females.

(f) and (g) No. The provision of corridor trains would, I am afraid, increase opportunities for the commission of such offences.

UNSTARRED QUESTIONS AND ANSWERS.

PAY, HOUSE RENT AND ELECTRICITY CHARGES, ETC., PAID TO ASSISTANT SURGEONS ON STATE RAILWAYS.

155. **Pandit Krishna Kant Malaviya** : Will Government please state the scales of pay, house rent, electricity charges and other privileges, paid to different classes of Assistant Surgeons on State Railways, administrationwise ?

The Honourable Sir Muhammad Zafrullah Khan : I am collecting information and will lay a reply on the table of the House in due course.

ENFORCEMENT OF GOVERNMENT OF INDIA ACT X OF 1858 IN PORTION OF THE DELHI DISTRICT WHICH WAS UNDER THE PUNJAB GOVERNMENT.

156. **Maulvi Badrul Hasan** : With reference to (1) Letter No. 42, dated 21st April, 1858, from the Chief Commissioner of the Punjab, to the Secretary to Government of India, (2) Despatch No. 1, dated 29th September, 1858, from the Right Honourable the Secretary of State for India in the Legislative Department, and (3) Government of India Circular No. 3994, dated 26th November, 1858, will Government be pleased to state if the Government of India Act X of 1858 was enforced in that portion of the District of Delhi which was then under the Punjab Government ?

The Honourable Sir Henry Craik : The matter is under investigation, and the information will be laid on the table in due course.

LAND TAKEN FOR BABUGARH REMOUNT DEPÔT.

157. **Qazi Muhammad Ahmad Kazmi** : (a) With reference to the answer given to my question No. 1657 (a) and (d) on the 8th April, 1935, will Government be pleased to lay on the table of the House a copy of the agreement or orders in pursuance of which land was taken from the proprietors for Babugarh Remount Depôt in 1818 ?

(b) Will Government be pleased to state whether any orders were passed in connection with the taking of land for Babugarh Remount Depôt on the 23rd October, 1820

(c) If the answer to part (b) be in the affirmative, will Government be pleased to lay a copy of the said order on the table of the House ?

(d) Will Government be pleased to state whether the 120 acres of the land which were no longer required by the Army Department for the Babugarh Remount Depôt have been returned to the descendants of the original owners ? If not, why not ?

Mr. G. R. F. Tottenham : (a), (b) and (c). Records containing the required information are not now available.

(d) No, but the Local Government are taking steps to relinquish the land as soon as possible.

HOLIDAYS HOME PROVIDED FOR THE NORTH WESTERN RAILWAY AT HILL STATIONS.

158. **Mr. Sham Lal** : Is it a fact that the North Western Railway Administration has provided Holidays Home for the gazetted and non-gazetted staff at hill stations ? If so, will the Honourable Member for Commerce and Railways, please state :

- (a) the capital outlay on each Home ;
- (b) the maintenance cost for each Home ;
- (c) the purpose for which each Home is established ;
- (d) the staff provided for each Home ; and
- (e) whether he proposes to close these Homes during the financial stringency, if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member is referred to the answer given on the 27th November, 1933, to parts (a) and (d) of starred question No. 968 asked by Mr. S. G. Jog on the 16th September, 1933.

Parts (a), (b), (c), (d) and (e) do not arise.

PERSONNEL ORGANISATION ON STATE RAILWAYS.

159. **Mr. Sham Lal** : With reference to the statement laid on the table on 4th September, 1936, in reply to unstarred question No. 552, asked in this House on the 7th April, 1936, regarding personnel organisation on State Railways, will Government please state :

- (a) the posts recommended for reduction ;
- (b) whether those posts were brought under reduction ;
- (c) whether those posts have since been revived ; and
- (d) the extent of reduction and revival amongst those posts ?

The Honourable Sir Muhammad Zafrullah Khan : The information is not readily available and its collection will involve an amount of labour and expense not likely to be justified by the results.

OPTION IN THE MATTER OF SCALES OF PAY AND SENIORITY LISTS IN THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

160. **Mr. Sham Lal** : Has the attention of the Honourable Member for Commerce and Railways been invited towards the following circulars :
Divisional Superintendent, Moradabad, East Indian Railway,
Circular Nos. 109-E. of 1927 ; 359-E. of 1928 ; 23/76/25-E.

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Pt. III of 1930 ; E.T.-10/30/A.S.M. of 1930, dated 26th August, 1930 and 19th November, 1930 ; E.T.-10/31/S.M., dated 1st April, 1931 ; 23/76/25-E. Pt. III, dated 27th June, 1932 ; E.T.-10/33/A.S.M. of 1933, dated 27th April, 1933 and 5th June 1933 ?

If so, will he please state :

- (a) whether the option under Fundamental Rule 23 once exercised is *Final* ; if so, is it *Final* from point of view of the employer, of the employee, of both sides ;
- (b) whether in terms of circular No. 359-E. of 1928 a State Railway employee is permitted to give option to a scale of pay sanctioned for a Company-managed employee and *vice versa* ; and
- (c) whether the rule of seniority as declared in this House is observed by the Divisional Superintendent when preparing lists of seniority and if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : I am collecting information and will lay a reply on the table of the House in due course.

APPLICABILITY OF CERTAIN NOTIFICATIONS OR OFFICIAL MEMORANDA TO THE STAFF ON STATE RAILWAYS.

161. **Mr. Sham Lal :** Will Government please state whether the following notifications or official memoranda are applicable to railway servants on State-managed Railways :

- (i) Home Department notification No. F-386/33-Ests., dated 22nd September, 1933 ;
- (ii) Finance Department letter No. F-36 (147)-Ex-1/32, dated 1st November, 1932 ;
- (iii) Finance Department, official memorandum No. F-31 (4)-Ex-1/33, dated 2nd October, 1933 ;
- (iv) Finance Department, official memorandum No. F-31 (10)-Ex-1/33, dated 20th November, 1933 ;
- (v) Finance Department, official memorandum No. F-31 (10)-Ex-1/33, dated 31st January, 1934 ;
- (vi) Finance Department letter No. F-31 (10)-Ex. 1/33, dated 18th April 1934 ; and
- (vii) Finance Department letter No. F-21 (56)-Ex. 1/34, dated 16th August 1934 ;

and whether " specific warning at the time of appointment " as used in these executive orders should be given individually, collectively or in general ?

The Honourable Sir Muhammad Zafrullah Khan : I am collecting information and will lay a reply on the table of the House in due course.

UNSTARRED QUESTIONS AND ANSWERS.

COMMUNICATION OF OFFICIAL DOCUMENTS OR INFORMATION BY A GOVERNMENT SERVANT TO HIS SERVICE ASSOCIATION, UNION OR FEDERATION.

162. **Mr. Sham Lal :** With reference to Rule 17 of Government Servants Conduct Rules, will Government please state whether communication of official documents or information by a Government servant to his service Association, Union or Federation is exempted from the said rule ? If not, why not ?

The Honourable Sir Henry Craik : The reply to the first part of the question is in the negative. As regards the second part, it is open to the Union to ask for copies of any communication affecting the service which the Union represents.

FORM OF CERTIFICATE GRANTED TO AN EMPLOYEE ON TERMINATION OF SERVICE ON THE GREAT INDIAN PENINSULA RAILWAY.

163. **Mr. Sham Lal :** Has the attention of the Honourable Member for Commerce and Railways been invited to Great Indian Peninsula Railway Form No. G-29-B Revised ? If so, will he please state :

- (a) whether it is a form of certificate granted to an employee on termination of service ; and
- (b) what purpose the present form of certificate serves ?

The Honourable Sir Muhammad Zafrullah Khan : The reply to the opening part of the question is in the affirmative.

- (a) Yes.
- (b) It enables an *ex*-employee to prove that he has been in the service of the Railway.

PETITIONS AND MEMORIALS SUBMITTED BY THE NON-GAZETTED STAFF ON STATE RAILWAYS.

164. **Mr. Sham Lal :** Is it a fact that petitions and memorials permissible under Home Department notification No. F-6/7/33-11, dated 19th June, 1933, are considered by the Railway Board as appeals, if and when submitted by the non-gazetted staff on State Railways ?

The Honourable Sir Muhammad Zafrullah Khan : No.

REPRESENTATIONS MADE BY MEMBERS OF CENTRAL LEGISLATURES REGARDING SERIOUS ABUSE OF POWERS BY ADMINISTRATIVE OFFICERS ON RAILWAYS.

165. **Mr. Sham Lal :** Is it a fact that representations, if and when made by Members of Central Legislatures to the Honourable Member for Commerce and Railways, bringing to his notice the serious abuse of powers by administrative officers and giving specific instances, are termed by the Secretary, Railway Board, as appeals against the orders of administrative officers ?

The Honourable Sir Muhammad Zafrullah Khan : Only those representations are termed as appeals which are such.

INTERCHANGE OF PASSES WITH JODHPUR-BIKANER STATE RAILWAYS.

166. **Mr. Sham Lal** : Is it a fact that the Divisional Superintendent, Moradabad, East Indian Railway, has informed the staff that passes are not interchangeable with Jodhpur-Bikaner State Railways ? If so, on what authority are the following passes issued and made available on East Indian Railway :

- (a) First Class Pass No. 355, dated the 6th May, 1936 ;
- (b) First Class Pass No. 337, dated the 6th May, 1936 ; and
- (c) First Class Pass No. 307, dated the 9th April, 1936 from Jodhpur to Hardwar ?

The Honourable Sir Muhammad Zafrullah Khan : Government have no information, but I may inform the Honourable Member that the arrangements made by the East Indian Railway Administration with the Administrations of Jodhpur and Bikaner State Railways for the interchange of passes provide :

with the Jodhpur Railway, for passes being interchanged only for employees drawing not less than Rs. 300 per mensem ;

with the Bikaner State Railway, for five sets of first class return journey passes being interchanged in any one calendar year.

MALARIA ALLOWANCE PAID TO RAILWAY STAFF AT LHAKSAR.

167. **Mr. Sham Lal** : Is it a fact that at Lhaksar on East Indian Railway the staff was paid " Malaria Allowance " till last year ? If so, will the Honourable Member for Commerce and Railways please state :

- (a) on whose recommendation this allowance was first paid ;
- (b) the year in which this allowance was first paid ;
- (c) on whose recommendation the allowance was stopped this year ;
- (d) the average sick reports by the staff during August, September and October, 1934 and 1935 ; and
- (e) the average sick reports by the staff during August and September, 1936 ?

The Honourable Sir Muhammad Zafrullah Khan : I am collecting information and will lay a reply on the table of the House in due course.

ALLOTMENT OF QUARTERS IN THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

168. **Mr. Sham Lal** : Is it a fact that quarters on Moradabad Division, East Indian Railway, are allotted to unmarried staff at the rate of two persons per room, irrespective of pay and class ? If so, why ?

The Honourable Sir Muhammad Zafrullah Khan : Government have no information. These are matters of detailed administration within the competence of the Agent, East Indian Railway, to whom a copy of the question is being sent for information and such action as he may consider necessary.

RETRENCHMENT OF SURPLUS STAFF ON STATE RAILWAYS.

169. **Mr. Sham Lal** : Is it a fact that the Railway Board has issued instructions to the Agents, State Railways " to retrench surplus staff on the basis of comparative efficiency instead of on the rule of length of service " ? If so, will the Honourable Member for Commerce and Railways please state :

- (a) whether this procedure is not against the findings of the Railway Court of Inquiry ;
- (b) what are the categories of the surplus staff and the number in each category administrationwise ;
- (c) whether an appeal lie against the decision of a committee appointed to select staff for discharge ; and
- (d) whether he is prepared to consider the appointment of judicial officers to scrutinize the findings of the committee appointed to select staff for discharge ?

The Honourable Sir Muhammad Zafrullah Khan : As regards the opening part of the question, I would refer the Honourable Member to the reply given to part (a) of starred question No. 371 asked by Mr. Mohan Lal Saksena on the 14th September, 1936 :

- (a) As regards the rest, Government, as stated in paragraph 17 of their Communiqué, dated the 6th June, 1932, a copy of which is in the Library of the House, accepted the recommendation of the Court of Inquiry so far as the retrenchment then authorised was concerned.
- (b) I would refer the Honourable Member to the reply given to unstarred question No. 84 asked by Mr. N. M. Joshi on the 8th October, 1936.
- (c) No.
- (d) No. Government consider that committees of officers already appointed for the purpose are adequate.

INSPECTION CARRIAGES USED BY OFFICERS ON STATE RAILWAYS.

170. **Mr. Sham Lal** : Will Government please place on the table a statement showing :

- (a) Capital outlay, (b) maintenance charges, (c) crockery and utensil expenses of the Inspection carriages used by the officers as under on State Railways, administrationwise ;
- (i) Agent, (ii) Heads of Department, (iii) Divisional Superintendents, (iv) Senior Scale officers attached to Headquarters, (v) Junior Scale officers attached to Headquarters, (vi) Lower Gazetted officers attached to Headquarters, (vii) Senior Scale officers attached to Divisions,

(viii) Junior Scale officers attached to Divisions, (ix) Lower Gazetted officers attached to Divisions, and (x) Inspectors and the rate of allowances paid to them as well as the difference, if any, in the scales of allowances admissible to officers of the Central Government and to them?

The Honourable Sir Muhammad Zafrullah Khan : The information is not readily available and its compilation would in the opinion of Government involve an amount of labour incommensurate with the value of the information obtained.

SPECIAL TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

171. **Mr. Sham Lal :** With reference to the reply given to starred question No. 220, asked in this House on the 10th February, 1936 regarding Special Ticket Examiners on the North Western Railway, will the Honourable Member for Commerce and Railways please state the period required by the administration to fix the pay of the staff and the date on which the staff was paid according to old scales of pay?

The Honourable Sir Muhammad Zafrullah Khan : I would refer the Honourable Member to my reply to Qazi Muhammad Ahmad Kazmi's question No. 832 asked on the floor of this House on the 26th February, 1936.

PERIOD OF SUBMISSION OF APPEALS FROM SUBORDINATE RAILWAY STAFF.

172. **Mr. Sham Lal :** Is it a fact that the Railway Board has prescribed the period of submission of appeals from subordinate staff? If so, will the Honourable Member for Commerce and Railways please state the period fixed for an appeal to be disposed of by the competent authority?

The Honourable Sir Muhammad Zafrullah Khan : The reply to the first part is in the affirmative. No period has been fixed.

RIGHTS AND PRIVILEGES OF THE NON-GAZETTED RAILWAY STAFF.

173. **Mr. Sham Lal :** Will the Honourable Member for Commerce and Railways please state the rule under which the Governor General in Council has delegated the powers to Agents of State Railways for modification, alteration, reduction, curtailment, of the accrued rights and privileges of non-gazetted staff under their control?

The Honourable Sir Muhammad Zafrullah Khan : I am collecting information and will lay a reply on the table of the House in due course.

PEONS AND DUFTARIES OF THE GOVERNMENT OF INDIA OFFICES REQUIRED TO ATTEND FIRE PARADES.

174. **Prof. N. G. Ranga :** (a) Is it a fact that the inferior staff (i.e., peons and daftaries) of the Government of India Secretariat and attached offices have been ordered to attend 'fire parades' in offices in the morning at about 7 A.M. daily?

(b) Is it a fact that they are also required to attend office at 10.30 A.M.?

(c) Is it a fact that most of them reside at great distances from offices and have to go back to their residences, after fire parades, to take their food and have to run to their offices again for usual duties?

(d) Are Government aware that these poorly paid employees have to prepare their food themselves and no time is left to them for doing so, if they have to attend to 'fire parades' in the morning and are Government prepared to exempt these people from attending parades in the morning, or allow them to attend office late? If not, why not?

(e) Is it also a fact that a large number of firemen have been engaged in all places for fire extinguishing work and there are many *chaukidars* and policemen who have been kept to guard offices?

(f) Why is it, then, considered necessary to train the peons and dufftries, etc., for firework?

The Honourable Sir Frank Noyce : (a) The Honourable Member has been misinformed. No Government office holds fire parades more than once a week and these are only for the inferior servants residing on or near the office premises. In two offices parades take place once a month.

(b) Yes, except in the case of Army Headquarters, where the hours of attendance are 10 A.M.

(c), (d) and (f). Government do not consider that the attendance at intervals of inferior servants at early morning parades constitutes a serious inconvenience to them. They are trained so that in case of fire they may be able to help the caretaking staff, before the Municipal fire brigade arrives.

(e) Firemen are employed by the Municipal Committee at fire stations. Chowkidars are employed to guard the office buildings at night.

SATTA GAMBLING IN AJMER.

175. **Pandit Sri Krishna Dutta Paliwal :** (a) Has the attention of Government been drawn to the news under the sub-heading "*Ajmer men satta ka zor*" published in the 4th Dak Edition of the *Arjun*, Delhi, dated the 2nd September, 1936 at page 3 in column 1 stating therein that "*Ajmer men satta (gambling) dino din zor pakarta ja raha hai, Shahar men kai jagah par niyamat roop se satta hota hai*"?

(b) Is it a fact that the grievances about *satta* gambling have been repeatedly brought to the notice of the authorities in Ajmer-Merwara through newspapers and leaflets since April, 1935? If so, what steps have Government taken to stop the said *sattas*?

Sir Aubrey Metcalfe : (a) Yes.

(b) Grievances about *Satta* gambling have not been repeatedly brought to the notice of the authorities in Ajmer-Merwara through leaflets and newspapers. Such grievances have come to notice through Hindi newspapers some three or four times since April, 1935, including the issue of the *Arjun*, dated the 2nd September, 1936, quoted by the Honourable Member. The facts stated in these articles were found to be incorrect. Shops suspected to be the scene of *Satta* gambling were picketted by the

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Police to render such gambling there impossible. As a result *Satta* dealers began to go about the city to obtain stakes at their houses from habitual gamblers and these peripatetic *satta* dealers were shadowed by the Police. Though it can scarcely be hoped to eradicate *Satta* gambling, the measures thus taken against it have been not unsuccessful. In the first nine months of 1936 there have been convictions in 11 cases of *Satta* gambling as against nine in the whole of 1935 and ten in the whole of 1934.

INDIANISATION OF THE SENIOR SUBORDINATE SERVICES IN THE CARRIAGE AND WAGON SHOPS AT AJMER.

176. **Pandit Sri Krishna Dutta Paliwal :** (a) Will Government please state the number of Indian (excluding Anglo-Indians) Foremen and Assistant Foremen in the Carriage and Wagon Shops, Bombay, Baroda and Central India Railway, Ajmer on the 31st December, 1925 and 31st December, 1934 ?

(b) Will Government please state the steps taken so far by the Loco. and Carriage Shops Superintendent (Carriage and Wagon Section), Bombay, Baroda and Central India Railway, Ajmer, for the Indianisation of the senior subordinate services in the Department ?

(c) Will Government lay on the table a statement showing separately the number of A grade apprentices trained and absorbed by the (i) Loco. Department and (ii) Carriage and Wagon Department of the Bombay, Baroda and Central India Railway, Ajmer, during the last ten years explaining the difference, if any, in the system, obtaining in the two Departments of the Bombay, Baroda and Central India Railway ?

(d) Will Government please state if it is a fact that Messrs. B. Manning and G. Harbour of the Loco. Department have been transferred to the Carriage and Wagon Department to occupy the post of the *Smith* Foreman and head chargeman of the Millwright shop, respectively ?

(e) If so, will Government please state the special qualifications which the said persons possess justifying the same ?

(f) If any of the Carriage and Wagon men were given any chance for the post ? If not why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The information readily available will be found in Appendix 'F' to Volume I of the reports by the Railway Board on Indian Railways for 1925-26 and 1934-35, copies of which are in the Library of the House.

(b) I would invite the Honourable Member's attention to my reply to his unstarred question No. 344 asked in this House on the 13th March, 1936.

(c) to (f). Government have no information and its collection would involve an amount of labour and expense not likely to be justified by results.

APPLICABILITY OF CERTAIN PROVISIONS OF THE GOVERNMENT SERVANTS' CONDUCT RULES TO GOVERNMENT PENSIONERS.

177. **Mr. Amarendra Nath Chattopadhyaya :** (a) Will Government please state the dates on which the Government Servants' Conduct Rules, 1935, became operative in the All-India Services, gazetted and otherwise ?

(b) Does the definition given in rule 2 of a "government servant" include a "government pensioner" ?

(c) Are Government pensioners permitted to engage in any trade or undertake any employment or work ? If so, are they also required to pay to Government a moiety of such pay, allowance, honorarium, etc. ?

(d) Will Government please state whether the provisions in rule 20 regarding taking part in politics and elections are applicable to "government pensioners" ?

(e) If the answer to part (d) be in the negative, will Government please state the reasons why their pensioners are exempted from the operation of this rule ?

(f) Do Government possess the power to withhold the pension of any retired employee for conduct which it considers objectionable ? If so, under what rules ?

The Honourable Sir Henry Craik : (a) The Rules were published on the 24th December, 1935.

(b) No.

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

(d) and (e). The reply is in the negative, because pensioners are not Government servants.

(f) Yes. Under Article 351 of the Civil Service Regulations, future good conduct is an implied condition of every grant of a pension.

RUNNING OF BUSINESSES BY THE WIVES OF RAILWAY SERVANTS.

178. **Mr. Amarendra Nath Chattopadhyaya :** Is it a fact that the Agent, East Indian Railway, in his Railway's Gazette No. 18 of 1936, dated 5th August, 1936, notification No. 544, has stated that the Government of India have ruled that the running of a business in the name of the wife of a railway servant amounts to the railway servant engaging indirectly in trade or business and is therefore against the Government Servants' Conduct Rules ? If so, will Government please state :

- (i) whether the reference to the trade or business being done in the name of the wife appears in any rule ; if so, what rule ;
- (ii) whether the same restriction applies to servants in the other departments of Government ; if not, why this differential treatment ; and
- (iii) whether Government proposes to remove the restriction placed on the wives of railway servants ?

The Honourable Sir Henry Craik : Yes.

(i) Under rule 15 of the Government Servants' Conduct Rules a Government servant is prohibited from engaging in any trade, without the previous sanction of the Government. This prohibition includes trade run by the Government servant in the name of any other person.

(ii) The prohibition applies to all Government servants.

(iii) The Government do not propose to modify the rule.

RACIAL DISCRIMINATION IN THE ALLOTMENT OF QUARTERS IN THE HOWRAH DIVISION OF THE EAST INDIAN RAILWAY.

179. **Mr. Amarendra Nath Chattopadhyaya :** (a) Is it a fact that racial discrimination is practised on the Howrah Division of the East Indian Railway in the matter of allotment of quarters to the non-gazetted Indian employees ?

(b) If the answer to part (a) be in the negative, will Government please state :

- (i) whether quarters allotted to the posts of Luggage and Parcel Supervisors at Howrah Station are at Highet Mansions or at Telkul Ghat ;
- (ii) whether the posts of Luggage and Parcel Supervisors have hitherto been held by Europeans and Anglo-Indians ;
- (iii) whether an Indian has recently been confirmed as Luggage and Parcel Supervisor ;
- (iv) whether he has occupied the quarters at Highet Mansions or Telkul Ghat ;
- (v) whether allotment of quarters is made by the Superintendent Staff ; and
- (vi) whether the Superintendent, Staff, is a European ?

(c) Do Government propose to take disciplinary action against those responsible for this act of racial discrimination ? If not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : Government are informed as follows :

(a) No.

- (b) (i) There are no quarters definitely allotted to the posts of Luggage and Parcels Supervisors at Howrah. They may be given quarters wherever available either at Highet Mansions, Telkul Ghat, Cambridge Terrace or Tindal Bagan.
- (ii) The posts of Luggage and Parcels Supervisors have been held by Europeans, Anglo-Indians and Indians.
- (iii) An Indian has recently been promoted to this post.
- (iv) The employee referred to has made his own arrangements for quarters.
- (v) Yes.
- (vi) Yes.

(c) There has been no racial discrimination.

RACIAL DISCRIMINATION IN THE MATTER OF PROMOTIONS IN THE HOWRAH DIVISION OF THE EAST INDIAN RAILWAY.

180. **Mr. Amarendra Nath Chattopadhyaya :** (a) Is it a fact that racial discrimination is maintained on the Howrah Division of the East Indian Railway in the matter of promotions to the senior subordinate posts, such as, Deputy Station Superintendent, Howrah Station ?

(b) Is it a fact that these officials have no concern with train passing or any transportation duties connected with such posts at intermediate stations but are mainly occupied in commercial work with the travelling public at Howrah Station ?

(c) Is it a fact that the posts are held by Europeans and sometimes by Anglo-Indians but no Indian has ever held these posts ?

(d) Is it a fact that there are Indian graduates in Law employed in the non-gazetted service at Howrah Station, who have been reported as most efficient workers but who have not been given a trial to work as Deputy Station Superintendent ?

(e) Do Government propose to take immediate action in the matter with a view to removing this racial discrimination and putting Indians for learning the duties of Deputy Station Superintendents ?

The Honourable Sir Muhammad Zafrullah Khan : Government are informed as follows :

(a) There has never been any racial discrimination.

(b) The staff employed at Howrah station are essentially transportation staff but they also attend to certain commercial duties in connection with the travelling public.

(c) These are selection posts and there is nothing to prevent suitably qualified Indians from being appointed to them.

(d) There are Indian graduates in law employed at Howrah but this in itself does not constitute a claim for selection to this post.

(e) In view of my reply to part (c) this does not arise.

PROVISION OF GARAGES AND PITS, ETC., FOR NON-GAZETTED STAFF ON STATE RAILWAYS.

181. **Mr. Amarendra Nath Chattopadhyaya :** (a) Will Government please state whether in the State Railways Rent Rules, Buildings and Residences, provision has been made for garages, pits, and other arrangements for the washing of motor cars, etc., to be provided for the use of gazetted officers ? If so, is additional rent recovered for such facilities ?

(b) Is it a fact that such facilities have been provided at Colvin Court at Howrah for the use of the gazetted officers of the Howrah Division of the East Indian Railway ? If so, why and at what cost ?

(c) Is it a fact that fixed rates of rent have been prescribed, i.e., Rs. 75 from Junior and Lower Gazetted Officers and Rs. 105 from the Senior Scale Officers ? Are these rates based on the pay drawn by the occupants ? If not, on what basis is rent charged ?

(d) Is rent charged for the garages ? If so, what amount per mensem ? If not, why not ?

(e) Are similar facilities provided for those non-gazetted staff who own motor cars ? Is it a fact that they have to erect their own garages, pay ground rent, and are not allowed to dig pits nor is water supplied for washing the cars ?

(f) Do Government propose to take any action in the matter? If so, what? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) The rent rules do not provide what accommodation should be given in quarters, but under the rules the whole cost of the quarters including garages, outhouses, etc., is taken into account in fixing the rent.

(b) Yes. This is in accordance with the established practice of providing accommodation appropriate to the officers' status. A separate account of the cost of garages is not maintained.

(c) Yes. Under the rules all residences occupied by officers of one class are grouped together, and an average rent fixed for class, with due regard to the prescribed return on the capital cost, and every officer is liable to pay this rent subject to a maximum of 10 per cent. of his pay.

(d) Separate rent is not charged for the garages, but is covered by the inclusive rent fixed for the residence.

(e) Provision of garages in residences occupied by subordinates is made only in exceptional cases where justified in the interests of the work of the employee. Where this condition is not fulfilled, the employee can provide his own garage on paying a nominal ground rent of Re. 1 per annum. There is no prohibition in the matter of digging pits, or of supply of water for washing the car.

(f) No. Government consider that the existing practice fully meets the legitimate needs of the staff.

GRANT OF AN ALLOWANCE TO THE CLERKS IN THE CITY BOOKING OFFICES, CALCUTTA.

182. Mr. Amarendra Nath Chattopadhyaya: (a) Is it a fact that the clerical staff employed at Howrah Station, the Divisional Office at Howrah and in the offices at Calcutta, East Indian Railway, receive a monthly allowance of Rs. 3 and Rs. 7 respectively?

(b) Is it also a fact that the clerical staff employed in the City Booking Offices, Calcutta, are not given this allowance?

(c) Do Government propose to treat their staff on the East Indian Railway equitably in the matter of this allowance? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: Information is being collected and will be placed on the table of the House when available.

UNRECORDED LEAVE GRANTED TO CERTAIN DRIVERS ON THE EASTERN BENGAL RAILWAY.

183. Mr. Amarendra Nath Chattopadhyaya: (a) Is it a fact that Government have introduced New Leave Rules for State Railways? If so, do these rules permit subordinate officials to grant "trip off" in lieu of leave?

(b) Is it a fact that such unrecorded leave is granted by the Assistant Loco. Foreman, Eastern Bengal Railway, Calcutta, to certain drivers only? If not, do Government propose to examine the Duty Sheet for the month of August, 1936, to ascertain the correct position?

(c) Is it a fact that the Loco. Foreman is in charge of the Loco. Sheds? If so, why has the power to grant "trips off" been taken away from him?

(d) Are Government aware that such grant of "trip off" is likely to lead to abuses and to cause discontent amongst the staff not so favoured by the Assistant or the Foreman? Do Government propose to take remedial action in the matter?

The Honourable Sir Muhammad Zafrullah Khan: (a) The answer to the first part is in the affirmative. As regards the second part, "trip off" is not granted in lieu of regular leave admissible under the leave rules.

(b) The answer to the first part is "No". As regards the second part, Government do not propose to institute any examination in the matter.

(c) The answer to the first part is "Yes". As regards the second part, the power has not been taken away.

(d) Government do not consider that the practice of the grant of "trip off" is likely to lead to abuse and to cause discontent amongst the staff. They do not propose to take any further action in the matter.

CREATION OF A POST OF ASSISTANT ACCOUNTS OFFICER, TRAVELLING, ON THE EAST INDIAN RAILWAY.

184. Mr. Amarendra Nath Chattopadhyaya: (a) Is it a fact that in the Accounts Department, Traffic Accounts, of the East Indian Railway, a post of Assistant Accounts Officer, Travelling, has been created with the object of checking the work done by the Inspectors of Accounts?

(b) How many days has the Assistant Accounts Officer, Travelling, spent on the line and in the office during the period 1st January, 1936 and 31st August, 1936?

(c) How many stations have been checked by him and what amount has he earned as travelling allowance monthly?

(d) Is it a fact that the station inspections have been done by a junior Inspector of Accounts while the Assistant Accounts Officer, Travelling, is out shooting while the office work is performed by another employee?

(e) Do Government propose to examine this matter and to take necessary action?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes.

(b) 146 days including 27 Sundays and holidays on the line and 80 working days in office.

(c) 83 stations. The travelling allowance paid to the officer during this period works out to an average of Rs. 91-4-0 per month.

(d) No.

(e) No.

EMPLOYMENT OF RELATIVES IN THE SUPERVISORY POSTS IN THE NON-GAZETTED RAILWAY SERVICE.

185. **Mr. Amarendra Nath Chattopadhyaya** : What is the policy of Government in the Railway Department regarding the employment of relatives in the supervisory posts in the non-gazetted service ?

The Honourable Sir Muhammad Zafrullah Khan : I would invite the Honourable Member's attention to my reply to part (a) of his unstarred question No. 59 asked on the 15th September, 1936.

DONATIONS FOR DEFENDING DEFAMATION SUITS ON THE EASTERN BENGAL RAILWAY.

186. **Mr. Amarendra Nath Chattopadhyaya** : Will Government please state whether the rules of the Staff Benefit Fund on the Eastern Bengal Railway permit of donations being granted to the employees to enable them to defend themselves in private suits for defamation brought against them ?

The Honourable Sir Muhammad Zafrullah Khan : The rules of the Staff Benefit Fund permit the Committee to afford relief to staff in cases of genuine financial distress caused through circumstances over which they have no control.

REFRESHER COURSES OF RAILWAYS.

187. **Mr. Amarendra Nath Chattopadhyaya** : (a) Is it the policy of Government in the Railway Department that the non-gazetted staff must go through Refresher Courses at the schools on the different railways ? If so, why has the gazetted staff been exempted from such Refresher Courses ?

(b) Is it a fact that the staff on the East Indian Railway over the age of 40 years are exempted from going through such Refresher Courses ? If not, from what age ?

The Honourable Sir Muhammad Zafrullah Khan : I am collecting information and will lay a reply on the table of the House in due course.

CONSTRUCTION OF A FOOT OVERBRIDGE NEAR HAPUR RAILWAY STATION.

188. **Qazi Muhammad Ahmad Kazmi** : Will Government be pleased to state :

(a) whether they are aware that Hapur Railway Station is situated between Hapur Town on the South and Asora and other important villages on the north, and that they were connected by a *kachcha* road, running to the west of the said railway station prior to the construction of Moradabad-Delhi Section ;

(b) whether they are aware that at the time the railway station was first constructed at Hapur, a level crossing was made for this road and, to meet the demands of growing traffic, another level crossing was made to the east of the said station ;

(c) whether they are aware that at that time there was another level crossing for Meerut-Hapur metalled road through which all the vehicular traffic could easily pass from one side of the line to the other ;

(d) whether they are aware that on the construction of Khurja-Hapur branch both of these level crossings were stopped and the Meerut-Hapur Road diverted to a considerably large distance to the great inconvenience of the public ;

(e) whether they are aware that even after the closing of the level crossings hundreds of pedestrians have been crossing the railway line along the path of the old *kachcha* road with a considerable danger to their safety and lives ;

(f) whether it is a fact that sometime about 1928, the railway authorities took a census of the persons who thus daily crossed the line ; if so, what was its result ;

(g) whether they are aware that the public of Hapur has been making continuous representations to the railway authorities for making an overbridge at the site of the old road, and if that be costly, then at least a foot overbridge for pedestrians ;

(h) whether they are aware that the Agent, East Indian Railway, in his letter No. W-92/27, dated 28th October, 1935, to Rai Sahib Sham Sundar Singh, Rais of Hapur, indicated his willingness for constructing a foot overbridge about 100 feet to the west of the line of the present foot-path at a cost of Rs. 25,000 provided the local authorities agreed to pay the entire cost ;

(i) whether they are aware that if the bridge were to be built along the line of the actual foot-path, it would be much more convenient not only to the pedestrians but for the railway passengers and the railway staff also ;

(j) whether they are aware that the old road from the north to the south of the railway line was blocked by the construction of the railway line and not by any action of the local authorities ; and

(k) if the answer to or any one of the parts (h), (i) and (j), be in the affirmative, whether they have considered the advisability of getting a foot overbridge constructed in the place of the old path at the cost of the East Indian Railway ? If not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) to (k). Government have no information. Their policy is to leave to the discretion of the Railway Administration such matters as the provision of overbridges where the traffic justifies them. The question, therefore, is one best referred to the Agent of the Railway concerned, preferably through the Local Advisory Committee, and the Agent will then deal with it in accordance with the rules apportioning the cost of such works.

PROMOTIONS TO THE UPPER TIME-SCALE POSTS OF ASSISTANTS IN THE RAILWAY BOARD.

189. Pandit Sri Krishna Dutta Paliwal : (a) Will Government please state :

- (i) the sanctioned number up to which the Assistants of the office of the Railway Board can be promoted to the upper time scale ;
 - (ii) the number of upper time-scale posts which are at present vacant in the office of the Railway Board ;
 - (iii) the dates from which these posts are vacant ; and
 - (iv) the reasons for which these have been kept vacant ?
- (b) Is it a fact that the last man who was promoted to the upper time-scale was an Anglo-Indian ?
- (c) Is it a fact that the next senior men, who are eligible for promotion to the upper time-scale, are all Indians with the exception of one ?
- (d) Is it also a fact that all those Indian Assistants have, on one or the other occasion, officiated as Superintendents ?
- (e) Is the upper time-scale meant for those who are fit for promotion to the posts of Superintendents ? If so, why have the Indian Assistants referred to not been promoted to the upper time-scale so far ?

The Honourable Sir Muhammad Zafrullah Khan : (a) (i) Four.

- (ii) Three.
- (iii) 21st July, 1934, 1st March, 1935 and 15th July, 1935.
- (iv) The Assistants eligible are not considered fit for this promotion.
- (b) Yes.
- (c) Yes.
- (d) No.
- (e) Yes. I would refer the Honourable Member to my answer to part (a) (iv).

NON-FILLING OF A POST OF SUPERINTENDENT IN THE RAILWAY BOARD.

190. Pandit Sri Krishna Dutta Paliwal : (a) Will Government please state whether a permanent post of Superintendent is vacant in the office of the Railway Board since June, 1936 ? If so, will Government please state the reasons for which the post has been kept vacant up till now ?

(b) Is it in accordance with the policy of Government to keep such posts unfilled indefinitely ?

The Honourable Sir Muhammad Zafrullah Khan : (a) A post of Superintendent has been vacant since the 16th May, 1936. The assistant officiating in that post is still on probation.

(b) No.

OFFICIALS IN THE BOMBAY POSTAL CIRCLE ALLOWED TO CONTINUE IN SERVICE AFTER ATTAINING THE AGE OF SUPERANNUATION.

191. Mr. N. M. Joshi : Will Government be pleased to state :

- (a) the number of officials in the selection grades and in the time-scale in the Bombay General Post Office and in the Bombay Postal Circle, excluding the Bombay town, who have attained the age of superannuation and have still been allowed to continue in service since 1st April, 1934 ; and
- (b) the number of such officials who have been retired immediately on their attaining the age of superannuation since 1st April, 1934 ?

The Honourable Sir Frank Noyce : (a) and (b). Government regret that they are unable to furnish the information as its collection would involve an undue expenditure of time and labour.

VILLAGE POST OFFICES WHERE DELIVERY OF REGISTERED LETTERS AND MONEY ORDERS IS NOT EFFECTED THROUGH POSTMEN.

192. Mr. N. M. Joshi : Will Government be pleased to state :

- (a) whether it is a fact that there are a number of village Post Offices where delivery of registered articles and money orders is not effected through the departmental or extra-departmental postman ;
- (b) whether villagers, including women, are served with notices to call at the village Post Offices to receive payment of their money orders, even if their value may range between a few annas to Rs. 5 ;
- (c) if the reply to part (b) be in the affirmative, what is the distance which the Postal Department expects the payees of such money orders of even small amounts to walk to the Post Office to receive payment ;
- (d) whether there is any proposal to charge less commission on money orders which are not paid at the houses of the payees ; and
- (e) why the Postal Department, which has the sole monopoly of carrying letters, does not arrange to deliver registered letters, etc., at the houses of their addressees ?

The Honourable Sir Frank Noyce : (a) and (b). Yes.

(c) No particular limit of distance has been prescribed.

(d) No.

(e) Delivery at the residence of addressees is arranged for except in a few cases where the volume of traffic is so small that the employment of a postman is not justified. In connection with the extension of postal facilities in rural areas however, the Department is taking steps to provide more postmen and thus arrange for the delivery of registered articles, etc., at the residence of the addressees.

FIXATION OF THE LENGTH OF BEATS OF POSTMEN IN HILLY TRACTS.

193. Mr. N. M. Joshi : Will Government be pleased to state :

- (a) the number of miles a village postman is required to walk in the plain districts of Ahmednagar, Sholapur, Surat and the like ;
- (b) the number of miles a village postman is required to walk in the hilly tracts of Ratnagiri district ; and
- (c) whether any consideration is given to the nature of the tract in fixing the length of beat over the hilly tracts and if so, to what extent ?

The Honourable Sir Frank Noyce : (a) to (c). Under the rules of the Department, postmen may be required to walk at least ten miles a day with a total attendance of duty of at least eight hours. In the districts mentioned by the Honourable Member village postmen are required to walk from ten to twelve miles a day and no distinction is made between the plains districts and hilly tracts. It is not considered necessary to make a distinction for hilly tracts as local men accustomed to these tracts are employed as village postmen.

REPRESENTATIONS HELD UP FOR CLAIMS OF OLD SCALES OF PAY BY THE POSTMASTER GENERAL, BOMBAY.

194. Mr. N. M. Joshi : Will Government be pleased to state :

- (a) the number of representations held up by the Postmaster General, Bombay, concerning the claims of officials to old scales of pay ; and
- (b) if there be any such representations held up, whether the Director General of Posts and Telegraphs proposes to take them into consideration in view of the assurance given by him to the All-India Postal and R. M. S. Union in paragraph 2 of his letter No. Es.B. 217-1/36, dated the 13th February, 1936 ?

The Honourable Sir Frank Noyce : (a) I have no information of the actual number.

(b) No assurance was given. The Director-General merely stated that if individuals considered that they had grievances on account of irregularities, it was open to them to represent them through the proper official channel. If the pay of an individual has not been fixed in strict accordance with the orders of Government in the matter the Director-General will be prepared to consider his case ; but he is not prepared to recommend any exception from the application of these orders.

SPEED FOR MAIL MOTORS ON CERTAIN LINES FIXED BY THE POSTAL DEPARTMENT.

195. Mr. N. M. Joshi : Will Government be pleased to state :

- (a) whether the speed for mail motors on the Ratnagiri-Chiplun, Chiaplun-Mahad, Chiaplun-Dabhol, Khed-Harnai and also on Chiaplun-Karad lines, as fixed by the Postal Department,

15 miles per hour and if so, since how long this speed is in existence ;

- (b) whether it is a fact that service cars have a permissible speed of more than 25 miles per hour on these Public Works Department roads excepting only the ghats ; and
- (c) whether the Postal Department contemplate increasing this speed, alter their time tables and thus accelerate the transmission of mails by mutual agreement with the contractors, if necessary ? If not, why not ?

The Honourable Sir Frank Noyce : (a) Yes ; since the 1st of October, 1927, for the first four lines and the 1st of March, 1925, for the fifth line.

(b) No. The speed over different roads varies according to local circumstances and is fixed by the police authorities in the interests of safety.

(c) As the roads in the Konkan are comparatively narrow and have sharp turns at short intervals besides frequent ascents and descents it is not considered safe to increase the speed on the first four lines. As regards the fifth line from Karad to Chiaplun arrangements are, however, being made with the contractor to increase the speed to 18 miles per hour over the plains section of the road which will result in the saving of about $\frac{1}{2}$ an hour in transit.

ORDERS IN REGARD TO PROMOTIONS OF POSTMEN AND OTHER LOWER GRADE STAFF.

196. Mr. N. M. Joshi : Will Government be pleased to state :

- (a) whether orders in regard to promotion of postmen and other lower grade staff, matriculated or otherwise, to the clerical cadre have been issued ;
- (b) whether the discussions during the last Sessions on this subject have been taken into consideration as assured by the Director General of Posts and Telegraphs ; and
- (c) if the reply to parts (a) and (b) above be in the affirmative, whether a copy of those orders will be placed on the table ?

The Honourable Sir Frank Noyce : (a) and (b). Yes.

(c) The orders are meant for departmental use only. Government are not prepared to lay them on the table of the House.

OFFICIATING INCREMENTS FOR INFERIOR SERVANTS OF THE POSTAL DEPARTMENT IN THE KONKAN DIVISION.

197. Mr. N. M. Joshi : Will Government be pleased to state :

- (a) whether it is a fact that inferior servants of the Postal Department in Konkan Division in the old scale, who officiated in higher cadre, such as packers or postmen, have not been allowed officiating increments during their officiating periods and even after their confirmation for the last four or five years ;

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- (b) whether the Postmaster General, Bombay, had sanctioned temporary staff in the Ratnagiri Head Post Office to dispose of such claims ;
- (c) whether their claims still remain undecided and neither their arrears nor due increments have still been paid ; and
- (d) if the replies to the above be in the affirmative, whether steps are now proposed to be taken to cause immediate drawal of their increments and to expedite the payment of their arrears due ?

The Honourable Sir Frank Noyce : (a) to (d). Information is being called for and a reply will be laid on the table of the House in due course.

PROPOSAL TO RETIRE GOVERNMENT SERVANTS WHO HAVE ATTAINED THE AGE OF FIFTY YEARS.

198. Mr. N. M. Joshi : Will Government be pleased to state :

- (a) whether there is any proposal under consideration to retire men who have attained the age of 50 years ; and
- (b) whether in some departments of the Central Government, such as the Accounts and Audit, it has been decided to grant extension of service after superannuation only as a very exceptional case ?

The Honourable Sir James Grigg : (a) No

(b) The Honourable Member is presumably referring to circumstances governed by Fundamental Rule 56(b). The terms of that Rule are left to be dealt with by Heads of Departments.

AGE FOR EXAMINATION FOR RECRUITMENT TO THE CLERICAL CADRE IN THE POSTAL DEPARTMENT.

199. Mr. N. M. Joshi : Will Government be pleased to state :

- (a) whether the age for examination for recruitment to the clerical cadre in the Postal Department has recently been fixed as between 19 and 21 years instead of 25 years ;
- (b) whether as a result the lists of candidates already in existence have been ordered to be cancelled ; and
- (c) if the replies to parts (a) and (b) above be in the affirmative, whether they propose to state the reasons for such a sudden and abnormal change ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) No, but all candidates on the waiting list have received a repetition of the warning given to them when their names were placed on the list that no assurance can be given that they will receive any permanent appointments.

(c) The change was made in connection with a radical revision of the system of selection for these appointments and Government took into consideration the recommendation made in paragraph 207(5) of the Report of the Unemployment Committee, United Provinces, 1935, a copy of which is in the Library of the House.

DISCONTENT AMONG THE STAFF OF THE MADRAS TELEGRAPH OFFICE.

200. Mr. N. M. Joshi : (a) Will Government be pleased to state whether they are aware that there has been some discontent among the staff of the Madras Telegraph Office due to unsatisfactory treatment given to them by the Chief Superintendent, and if so, whether they propose to institute an enquiry into the matter ?

(b) Will Government be pleased to state whether the night duty (from 7 P.M. to 1 A.M.) has not been introduced either in Calcutta, Bombay or Rangoon Telegraph Offices while it has been introduced only in Madras, and if so, will Government be pleased to state the reasons for this difference ?

(c) Are Government aware that there has been much discontent among the staff in Madras on account of the duty (from 7 P.M. to 1 A.M.) being introduced there ?

(d) Will Government be pleased to state whether they propose to consider the question of giving the staff affected half an hour's relief for taking their meals ? If not, why not ?

The Honourable Sir Frank Noyce : (a) Government understand that there has been some agitation in the Madras Central Telegraph Office in connection with the administration of that office but they do not consider that there is any need for an enquiry by Government. The Postmaster-General, Madras Circle, is fully competent to deal with the representations made by the staff and is already doing so.

(b) The duty from 19 to 1 hours is not at present in force in the Calcutta and Bombay Central Telegraph Offices, but has been in force in the Rangoon Central Telegraph Office for the last ten years. The duty is a permissible one and its introduction in any particular office is for the purpose of meeting local traffic requirements.

(c) Government understand that certain representations have been received by the Postmaster General, Madras Circle, against the prescription of the 19 to 1 hours duty.

(d) As the period of duty from 19 to 1 hours is only for six hours Government see no justification for giving half an hour's relief for meals. The staff can take their meals before coming on duty and short periods of relief are always obtainable during the period of duty and can be prolonged if traffic conditions permit.

CONDITION OF HEALTH OF STATE PRISONER BHUPENDRA KISHORE RAKSHIT ROY DETAINED IN THE BAREILLY CENTRAL JAIL.

201. Mr. Akhil Chandra Datta : (a) Will Government be pleased to state the present condition of health of State Prisoner Bhupendra Kishore Rakshit Roy, M.A.—at present detained in the Bareilly Central Jail ?

(b) If the said prisoner is suffering from illness, will Government please state how long he has been suffering, and what is the nature of his illness?

(c) Will Government be pleased to state if the nature and degree of the said prisoner's suffering from illness necessitated his examination by a medical board?

(d) If so, when was he examined by a medical board?

(e) Will Government be pleased to lay on the table the report of the medical board following their examination of the said prisoner?

(f) Will Government be pleased further to state if the said prisoner has undergone a full course of treatment as recommended by the medical board, and if so, with what result?

(g) If the course of treatment that has hitherto been tried on the said prisoner, failed to have the desired effect, do Government propose to change the mode of treatment? If so, what kind of treatment has finally been decided upon and when is it going to be tried?

(h) In view of the long and protracted illness, and the condition of the prisoner remaining almost the same, are Government prepared to consider the advisability of releasing him and making him over to the care of his parents?

The Honourable Sir Henry Craik : (a) to (d). The State Prisoner has for some time past suffered from chronic constipation and as a result from external piles of moderate severity. He was examined in October, 1935 by a medical Board who advised treatment for constipation. They did not consider any treatment for piles necessary. His weight on admission to the jail was 122 lbs. and was 124 lbs. on 24th September, 1936.

(e) No.

(f) and (g). The treatment has not produced the desired result but an X-ray examination has been suggested and the result is awaited. Further treatment will depend on the result of that examination.

(h) No.

SELECTION OF CANDIDATES BY THE PUBLIC SERVICE COMMISSION FOR ADMISSION TO EXAMINATION FOR CERTAIN SERVICES.

202. Khan Bahadur Shaikh Fazl-i-Haq Piracha : (a) Is it a fact that for the competitive examination for Transportation, Traffic and Commercial Departments of Railway and for Customs, Accounts and Postal Services to be held this year, only about 250 candidates out of a much larger number have been selected by the Public Service Commission to sit for the examination? If so, will Government please state the principles on which the selection of candidates for such examination is made?

(b) In view of the percentages fixed for Muslims and other minority communities in Government services, do the Public Service Commission permit the number of these communities up to the percentage laid down by Government to sit for the competitive examination? If not, why not?

The Honourable Sir Henry Craik : (a) 272 candidates have been admitted to the joint examination. It is contrary to the established practice of the Public Service Commission to disclose the principles on which the preliminary selection of candidates is made. But the aim of the Commission is to exclude nobody who on his past record has any chance of success.

(b) In making the preliminary selection, the Commission pay due regard to the principle that due representation should be given to the various communities in India.

PAY OF POSTAL EMPLOYEES STATIONED AT SIMLA.

203. Sardar Mangal Singh : (a) What are the scales of pay sanctioned for different classes of postal employees stationed at Simla?

(b) What are the rates of compensatory allowance granted to each class of postal employees stationed at Simla?

(c) What are the scales of pay sanctioned for different classes of employees of other Departments of Government stationed at Simla?

(d) What are the rates of compensatory allowance granted to each of the classes of employees mentioned in part (c) above?

(e) What are the scales of pay sanctioned for the clerical staff stationed at (1) Lahore, (2) Rawalpindi and (3) Simla Post Offices?

The Honourable Sir Frank Noyce : (a), (b) and (c). The information is contained in the Manual of Appointments and Allowances of Officers of the Indian Posts and Telegraphs Department, and Appendix 10 thereof and in the Government of India, Department of Industries and Labour, Memorandum No. Es. A-130/33 (2), dated the 11th March, 1935, copies of which are in the Library of the House.

(e) and (d). The compilation of the information asked for would involve an expenditure of time and labour which Government do not consider that there is sufficient justification for undertaking.

COMPENSATORY ALLOWANCE OF POSTAL EMPLOYEES STATIONED AT SIMLA.

204. Sardar Mangal Singh : (a) Is it not a fact that arrangements for house rents in Simla are contracted on annual basis and not monthly as in other places in India?

(b) Will Government please state the conditions of grant of compensatory allowance for Government servants?

(c) Will Government please state whether it is a fact that scale of pay sanctioned to the clerical staff of Simla Post Offices has no connection with the rate of compensatory allowance granted to them?

(d) Will Government please state whether the postal employees of Simla are allowed to draw compensatory allowance while on leave,

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if and when they are required to pay annual rents for houses engaged by them for residential purposes ?

(e) If the reply to the preceding part be in the negative, will Government please state the reasons why the postal officials are not allowed to draw compensatory allowance while on leave ?

The Honourable Sir Frank Noyce : (a) Government have no information.

(b) The Honourable Member's attention is invited to Fundamental Rule 9 (5).

(c) The existing rates of compensatory allowances to the clerical staff in Simla are fixed according to scales of pay.

(d) and (e). Permission to draw compensatory allowance while on leave is not dependent on the private commitments of individuals in connection with the renting of houses but is governed by Supplementary Rule 6 (B) (a) (i) and (ii).

MUSLIMS IN THE SURVEY OF INDIA.

205. **Mr. Muhammad Anwar-ul-Azim :** (a) What is the total number of clerks in the Survey of India and what is the percentage of Muslims in that number ?

(b) What is the percentage of Muslims in the holders of the post of Registrar, Head Assistants and Head Clerks in the Survey of India ?

(c) Did Government ever receive a representation from a member of a body of the Muslim community, regarding grievances and showing that all the ways and means for the betterment of the Muslim employees in the Survey of India are blocked and that for this very reason their percentage in the posts of Head Assistants and Head Clerks, does not improve ?

(d) Are Government prepared to ask the Surveyor General to redress the grievances of the Muslim community in the Survey of India, vide part (c) above, so that all communities may have equal shares in the Department ?

(e) Is it a fact that the representations mentioned in part (c) above included a grievance to the effect that no Muslim is posted to the Head Assistantship of Dehra Dun Office of the Survey of India, giving sound reasons and laying great emphasis against the installation of Hindu officials ?

(f) Are Government prepared to issue instructions to the Survey of India to safeguard and protect the rights of minority communities by appointing a Registrar from a minority community ?

Mr. M. W. Yeatts : (a) On the 1st January, 1936, there were 218 clerks in the Survey of India of whom 17 per cent. were Muslims.

(b) There are 10 posts so classified of which one is held by a Muslim.

(c) and (d). In 1932 and 1933 representations of grievances of Muslim employees in the Survey of India were made by an unrecognised body describing itself as the Muslim Ex-Survey Officials' Association. The allegations were gone into carefully by the Surveyor General of India and

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No case calling for action emerged. It is not the case that promotion of Muslims to the posts of Registrar, Head Assistant and Head Clerk is blocked, for such promotion is made by selection.

(e) Yes, this grievance was mentioned but no sound reasons were adduced.

(f) There is only one post of Registrar, which is filled by selection, and Government are not prepared to issue such instructions in regard to it.

DEFENCE OF BURMA AND BURMANIZATION OF THE DEFENCE FORCES, ETC.

206. **U Thein Maung :** Will Government please state :

(a) whether they have considered the various questions relating to :

(i) the defence of Burma ;

(ii) Burmanization of the defence forces, including the military police ; and

(iii) their probable cost to Burma ;

(b) When they would be able to announce their recommendations or decisions thereon ; and

(c) whether the Legislature of Burma would be consulted or given an opportunity to discuss them before they are adopted or enforced ?

Mr. G. R. F. Tottenham : (a), (b) and (c). The matter is mainly one for decision by the future Government of Burma in consultation with His Majesty's Government. The views of the Government of India have already been communicated to His Majesty's Government, but they are confidential and the Government of India have no information when decisions will be announced.

REPORT OF THE APPLICATION COMMITTEE ON FINANCIAL ADJUSTMENT BETWEEN INDIA AND BURMA.

207. **U Thein Maung :** Will Government please state when the Report of the Application Committee on Financial Adjustment between India and Burma will be published and whether the Legislatures of India and Burma would have an opportunity to discuss it ?

The Honourable Sir James Grigg : I would invite the Honourable Member's attention to the reply given by me to Mr. Satyamurti's starred question No. 462 on the 17th September, 1936.

REPORT OF THE COMMITTEE ON FINANCIAL SETTLEMENT BETWEEN BURMA AND THE SHAN STATES.

208. **U Thein Maung :** Will Government please state whether the Committee on Financial Settlement between Burma proper and the Federation of Shan States after separation of Burma from India have submitted their report and whether the Legislature of Burma would be given an opportunity to discuss it or the general question of such settlement ?

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The Honourable Sir James Grigg : Yes. The settlement is to be made through an Order in Council under section 68 (2) of the Government of Burma Act, 1935, and the question is, therefore, one primarily for His Majesty's Government. I cannot, therefore, give any undertaking that the Legislature of Burma will be given an opportunity to discuss the matter.

EXCLUSION OF BURMA IN THE NEGOTIATIONS FOR A FRESH TRADE AGREEMENT WITH JAPAN.

209. **U Thein Maung :** Will Government please state :

(a) why Burma has been left out in the negotiations for a fresh trade agreement with Japan ; and

(b) whether Burma would be at liberty to make negotiations for and enter into a trade agreement with Japan separately ?

The Honourable Sir Muhammad Zafrullah Khan : As regards part (a) the attention of the Honourable Member is invited to the Press Communiqué, dated the 12th August, 1936, a copy of which is in the Library. The Government of India are not in a position to answer part (b) as it relates to a matter that is for His Majesty's Government in the United Kingdom to decide.

EXEMPTION OF TEAK LOGS FROM THE PROTECTIVE CUSTOMS DUTY.

210. **U Thein Maung :** (a) Will Government please state whether they are prepared to exempt teak logs, imported into Burma through the river Salween, from the protective customs duty of 25 per cent. *ad valorem* and to make them subject to the seven per cent. transit duty only as before the 11th July, 1936, for the reasons that have been submitted by the President of Moulmein Timber Traders' Association, Burma, in his memorial to His Excellency the Governor General in Council, dated the 30th July, 1936 ? If not, will Government please state the reasons for not doing so ?

(b) Will Government please state whether the Government of Burma would be at liberty to review the case and exempt such logs from the said duty after separation from India, in spite of the trade agreement between India and Burma ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The import duty in question is not protective. It was raised to the level of the sea customs rate at the instance of the Government of Burma. The Government of India are awaiting the views of the Local Government on the memorial of the Moulmein Timber Traders Association before reconsidering the matter.

(b) The terms of the Order in Council which will regulate the trading relations between India and Burma after separation have not yet been finally settled. In the meantime, the Honourable Member's attention is invited to Articles 6 and 9 of the Provisional Draft of India and Burma Trade Regulation Order, published in Command Paper No. 4985.

GOVERNMENT SERVANTS DEBARRED FROM MAKING ANY STATEMENT, ETC., EMBARRASSING THE RELATIONS BETWEEN CERTAIN PERSONS.

211. **Dr. N. B. Khare :** (a) Is it a fact that under rule 18 (1) (a) of the Government Servants' Conduct Rules, 1935, a Government servant is debarred from making any statement of fact or opinion which is capable of embarrassing the relations between the Governor General in Council or any Local Government and the people of India ?

(b) Does this rule apply also to a speech broadcast by a Government servant ? If not, why not ?

The Honourable Sir Henry Craik : (a) and (b). Yes.

WRITING OF ARTICLES FOR PRESS AND PUBLICATION OF BOOKS BY GOVERNMENT SERVANTS.

212. **Dr. N. B. Khare :** (a) Is it a fact that a Government servant is not permitted, or has to obtain the previous permission of Government, for writing an article for press or publishing a book, etc., on a subject falling within the scope of rules 15, 16 or 17 of the Government Servants' Conduct Rules, 1935 ?

(b) Will Government please state whether a similar previous permission is also necessary for occasionally writing a book or an article for press on a subject of non-political nature, not connected with a Government servant's official work and involving no disclosure of official information or competition with professional journalists ? If so, under what rule ?

The Honourable Sir Henry Craik : (a) and (b). The Rules quoted by the Honourable Member, read with Rules 13 and 18, state the position clearly.

PROVISION OF A LIBRARY, ZOO AND MUSEUM, ETC., IN NEW DELHI.

213. **Dr. N. B. Khare :** Has the attention of Government been drawn to a letter under the heading " Delhi's Need " published in the *Hindustan Times*, dated 7th July, 1936, and several other press notes, etc., deploring the absence of a public library, zoo, museum (excepting the so-called " Central Asian Antiquities ") and a public garden in New Delhi ? If so, what action do Government propose to take to provide these amenities ? If none, why not ?

Mr. M. W. Yeatts : Yes. Public gardens have already been provided, e.g., Talkatora Garden and Lodhi Park. Provision of the other amenities suggested would require to be considered along with other needs of New Delhi.

GRANT OF LIVERY ALLOWANCES TO THE DUFTARIES IN THE GOVERNMENT OF INDIA OFFICES.

214. **Mr. N. V. Gadgil :** (a) Is it a fact that dufftries employed in the Government of India Secretariat offices are supplied with liveries only once in every three years ?

(b) Is it also a fact that in the past in certain Departments at least, dufftries were given amounts in cash and they used to get their garments made themselves which were shown to the offices ?

(c) Why has this practice been discontinued ?

(d) Is it a fact that the quality of the cloth now supplied for liveries is the same as it was some years ago, when the prices were very high ?

(e) What is the reason for not supplying a better quality of cloth now that the prices have fallen and the cost charged to Government is almost the same ?

(f) Is it a fact that the contract for sewing the liveries has been given only to one tailor for a large number of years ?

(g) Do Government propose to consider the desirability of giving cash allowances to dufftries for making liveries, so that they may be able to have better clothes made, by supplementing the amount themselves if necessary ? If not, why not ?

The Honourable Sir Henry Craik : (a) Yes.

(b) Yes.

(c) Government have now an organisation—the Indian Stores Department—which by making bulk purchases can obtain better value for the money.

(d) No, the quality is better now.

(e) Does not arise.

(f) I do not know to what Department the Honourable Member refers. The answer is in the affirmative so far as the Home Department is concerned.

(g) Government do not consider it necessary to make any change in the system which has worked satisfactorily and economically.

SUPPLY OF COTTON LIVERIES TO DUFTRIES IN THE GOVERNMENT OF INDIA OFFICES.

215. **Mr. N. V. Gadgil :** (a) Is it a fact that the dufftries in the Government of India Secretariat are not allowed any cotton liveries for use in the summer season when they have to stay in Delhi during April and October ?

(b) Are cotton liveries allowed to peons of the Government of India Secretariat ?

(c) Do Government propose to arrange to supply cotton liveries to dufftries also ? If not, why not ?

The Honourable Sir Henry Craik : (a) Yes.

(b) Yes.

(c) There is no necessity for supplying them with cotton liveries for the short period of their stay in Delhi.

REMOVAL OF THE PORTRAIT OF LORD KRISHNA BY THE SUPERINTENDENT, RAILWAY MAIL SERVICE, "L" DIVISION.

216. **Bhai Parma Nand :** (a) Is it a fact that the Superintendent, R. M. S. "L" Division, visited the S. R. O., Shorkot, in December last and personally removed the portrait of Lord Krishna hanging on a wall of the

office and threw it down on the floor in a most contemptuous manner in the presence of his Hindu subordinates and some of the railway staff whose religious susceptibilities were vehemently injured and the incident was brought to light, vide *Postal Observer* issue for June, 1936 ?

(b) If the reply to part (a) above be in the affirmative, have Government taken any action against the officer concerned and to obviate recurrence of the sort in future and if so, what ? If not, do they propose to take any action now ?

The Honourable Sir Frank Noyce : (a) and (b). Government have no information. The matter is within the competence of the Postmaster-General. A copy of the question is being sent to him for such action as he may consider suitable.

ALLEGATIONS AGAINST AN INSPECTOR, RAILWAY MAIL SERVICE.

217. **Bhai Parma Nand :** (a) Will Government please state whether Abdul Hakim, mail guard of defunct L-25 section, was convicted of abducting a young Pathan woman in the mail van under section 498, Indian Penal Code ?

(b) Is it also a fact that the name of this man was published in the convictions statement circulated by the Postmaster General, Punjab, with his monthly circular of July, 1936 ?

(c) Will Government please state whether this man has been dismissed, or is he still serving the Department ? In the latter case, will Government please state the reasons for the same ?

(d) Is it a fact that enquiries made into the case revealed that this woman was being abducted in the mail van for the sake of an Inspector, Railway Mail Service, who was at Peshawar on the day of occurrence according to previous arrangements and that this Inspector concealed the actual crime committed and did not submit any report to the higher authorities ?

(e) If the reply to part (d) be in the affirmative, will Government please state the action taken against the Inspector and if no action has been taken, do Government propose to make an independent enquiry into the conduct of this Inspector and see whether such a supervising officer is fit to be retained in Government service ?

The Honourable Sir Frank Noyce : (a) to (e). Government have no information. The matter is within the competence of the Postmaster-General to whom a copy of the question and this answer is being sent for such action as he may consider suitable.

EXTRA-DEPARTMENTAL SUB-POSTMASTERS AND BRANCH POSTMASTERS IN THE PUNJAB AND NORTH-WEST FRONTIER CIRCLE.

218. **Bhai Parma Nand :** Will Government place on the table a statement showing separately the total number of Extra-Departmental sub-Postmasters and Extra Departmental Branch Postmasters in the Punjab and North-West Frontier Circle, as also their number by communities ? If any one community is disproportionately represented, do Government propose to stop recruitment of officials for these posts from that community ?

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The Honourable Sir Frank Noyce : Government have no information and do not propose to call for it as it would involve an undue expenditure of time and labour. As regards the last part of the question, the Honourable Member's attention is invited to the reply given to his unstarred question No. 81 on the 22nd February, 1935.

ALLOWANCES OF CAMP CLERKS IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

219 **Bhai Parma Nand :** (a) Is it a fact that formerly allowance for a Camp Clerk to the Head of a Postal Circle and for Director, Telegraphs, was Rs. 50 per mensem and that for a Camp Clerk to a Deputy Postmaster General was Rs. 25 per mensem, but now these allowances have been equalised at Rs. 30 per mensem with the provision that in the former case the allowance at the higher rate is to continue for the incumbents of the posts on the date of orders so long as they continue with the Head of a Circle or the Director, Telegraphs?

(b) Is it a fact that the existing Camp Clerk to the Postmaster General, Punjab and North-West Frontier Circle, is rotated between him and the Director of that Circle since the last six years to maintain his allowance at the higher rate?

(c) If the replies to parts (a) and (b) above be in the affirmative, do Government propose to consider the advisability of removing the present Camp Clerk of the Postmaster General, Punjab and North-West Frontier Circle, to any of his Deputies, if not to the office, to save Rs. 20 per mensem?

The Honourable Sir Frank Noyce : (a) Yes.

(b) Government have no information. The matter is one within the discretion of the Head of the Circle.

(c) No.

TRANSFERS OF CERTAIN CLERKS IN THE PUNJAB AND NORTH-WEST FRONTIER CIRCLE.

220. **Bhai Parma Nand :** (a) Is it a fact that Head Clerks in Postal Circle Offices are required to be changed every three years and if so, why?

(b) Will Government kindly state whether there are any definite orders regarding the rotation of ordinary time-scale clerks in the Postal Circle Office?

(c) Will Government kindly place on the table a statement showing the number of transfers of ordinary time-scale clerks effected under the personal orders of the Postmaster General, Punjab and North-West Frontier Circle, in his office?

(d) If the reply to part (b) above be in the negative, and the reply to part (c) discloses a sufficiently large number of transfers, will Government state the reason for the same?

The Honourable Sir Frank Noyce : (a) The reply to the first part of the question is in the affirmative. As regards the latter part, the periodical transfer is ordered for administrative reasons.

(b) No.

(c) and (d). Government have no information and do not propose to call for it as the matter is one entirely within the Postmaster-General's competence.

DISCHARGE OF CERTAIN FIREMEN AND SHUNTERS ON THE EASTERN BENGAL RAILWAY.

221. **Mr. Umar Aly Shah :** (a) Will Government be pleased to state if it is a fact that the Chief Mechanical Engineer, Eastern Bengal Railway, has discharged a number of firemen, shunters who failed to pass departmental examination?

(b) If so, will Government be pleased to state if at the time of appointment of those firemen and shunters, they executed any agreement that, failing to pass the departmental test, they will be discharged?

(c) Will Government be pleased to state if those firemen and shunters are efficient workers on their respective posts and if regular annual increase of pay were granted to them.

(d) If the answer to part (c) be in the negative, will Government be pleased to state why they were not discharged from service on the ground of inefficiency?

(e) If the answer to part (c) be in the affirmative, will Government be pleased to state why they cannot be retained in their posts?

(f) Will Government be pleased to state if the departmental examination is to test their abilities for promotion to next higher grades?

(g) If the answer to part (f) is in the affirmative, will Government be pleased to state the reason to issue an order of discharge of those persons when their services could be utilised in their own posts?

(h) Will Government be pleased to state the date of issue of an order stating that those who fail to pass departmental examination will be discharged from service?

(i) Will Government be pleased to state if the order mentioned in part (i) was issued long after appointment of those discharged hands?

(j) If the answer be in the affirmative, will Government be pleased to state why the Eastern Bengal Railway Administration has applied the order to persons who entered the service long before the issue of such an order?

The Honourable Sir Muhammad Zafrullah Khan : With your permission, Sir, I propose to reply questions Nos. 221 and 222 together.

I am collecting information and will lay a reply on the table of the House in due course.

ABOLITION OF NIGHT SCHOOLS FOR EDUCATING THE ILLITERATE RAILWAY WORKERS OF THE LOCO. DEPARTMENT.

222. **Mr. Umar Aly Shah :** (a) Will Government be pleased to state if it is a fact that on account of economy, night schools for educating the illiterate workers of Loco. Department have been abolished?

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(b) If so, how many schools have been abolished?

(c) Will Government be pleased to state what steps were taken by the Eastern Bengal Railway Administration to teach the firemen, shunters and drivers the names and alphabets of the stations?

(d) Will Government be pleased to state if it is a fact that there is no night school at Katihar, Lalmonirhat, Ishurdi?

(e) If so, will Government be pleased to state the number of firemen and shunters discharged for not passing the departmental tests and who mostly belonged to the Loco. Shed mentioned in part (d)?

SCHOOL ESTABLISHED AT CALCUTTA TO TRAIN FIREMEN, SHUNTERS AND DRIVERS.

223. Mr. Umar Aly Shah : (a) Will Government be pleased to state if it is a fact that a training school has recently been established in Calcutta to train the firemen, shunters and drivers in that school?

(b) If so, will Government be pleased to state if those workers are examined by the School Authorities after completion of their training and are granted certificates of competency? If not, why not?

(c) If the answer to part (b) be in the affirmative, will Government be pleased to state why the persons who could not get any facilities at other stations be sent to school in Calcutta for training?

(d) Will Government be pleased to state if it is a fact that workers returned from the training schools in Calcutta as competent are again called by the District Officers to undergo an examination by the Loco. Inspector?

(e) Will Government be pleased to state if they are prepared to re-instate those that have been discharged and grant facilities to receive training in Calcutta Training Schools? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan : Government have no information and do not consider that the labour and expense involved in collecting it will be commensurate with the results likely to be obtained, but I am sending a copy of the question to the Agent, Eastern Bengal Railway, for information and such action as he may consider necessary.

RELIEVING ALLOWANCE TO STAFF SENT TO OUTSTATIONS TO RELIEVE STATION MASTER, SIGNALLERS AND CLERKS.

224. Mr. Umar Aly Shah : Is it a fact that Rule 364 of the State Railway Open Line Code, Volume II, sanctions relieving allowance to staff who are sent to outstations for a time to relieve Station Masters, signallers and clerks for absence from headquarters? Will Government be pleased to state if any amendment has been made to this rule? If so, when and on what date? Will Government be pleased to state why the relieving allowance has been substituted by travelling allowance and under what authority?

The Honourable Sir Muhammad Zafrullah Khan : I am collecting information and will lay a reply on the table of the House in due course.

PROVISION OF BOX *Khalasies* TO CARRY THE BOXES OF INDIAN DRIVERS.

225. Mr. Umar Aly Shah : Will Government be pleased to state if it is a fact that Mr. P. R. Ran, replying to Mr. N. M. Joshi on the floor of the Legislative Assembly, regarding provision of box *khalasies* to carry the boxes of all Indian drivers, said that to obtain uniformity the Railway Administration have been instructed that there should be no racial discrimination in this matter and that box *khalasies* should be provided for all drivers when circumstances render it necessary? If so, will Government be pleased to state the names of the railways which have complied with the instructions issued by the Railway Board in this matter?

The Honourable Sir Muhammad Zafrullah Khan : I am collecting information and will lay a reply on the table of the House in due course.

PROVISION OF MOSQUITO CURTAINS, MATTRESSES AND BED SHEETS IN THE RUNNING ROOMS OF DRIVERS ON STATE RAILWAYS.

226. Mr. Umar Aly Shah : Will Government be pleased to state if mosquito curtains and mattresses and bed sheets are provided in the running rooms of Indian drivers on the State Railways? If not, will Government be pleased to state if mosquito curtains, bed sheets and bedsteads are given to the European and Anglo-Indian drivers' running room? If so, why?

The Honourable Sir Muhammad Zafrullah Khan : Government have no information, but I have sent a copy of the question to the Agents of the State-managed Railways for information and such action as they may consider necessary.

PROVISION OF COOKS TO DRIVERS ON THE EAST INDIAN RAILWAY.

227. Mr. Umar Aly Shah : Will Government be pleased to state if the East Indian Railway provides cooks for Muhammadan, Anglo-Indian and European drivers in their running rooms? If so, will Government be pleased to state if it is a fact that no Hindu cook is provided for Hindu Indian drivers and firemen in the running room? If so, will Government be pleased to state why there should be none?

The Honourable Sir Muhammad Zafrullah Khan : Government have no information. This is a matter of detailed administration within the competence of the Agent, East Indian Railway, to whom a copy of the question has been sent for information and such action as he may consider necessary.

RECORDING OF NAMES OF THE CREW STAFF WHO FAIL TO COLLECT EXCESS FARES FROM PASSENGERS ON THE EASTERN BENGAL RAILWAY.

228. Mr. Umar Aly Shah : Will Government be pleased to state if it is a fact that the District Traffic Superintendent—"Crews" of the Eastern Bengal Railway, has introduced a board to record the names of the crew staff who fail to collect any excess fare from passengers?

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on any day? If so, will Government be pleased to state if the object of the District Officer is to black-mark those staff who fail to collect any excess fare on any day? If so, why?

The Honourable Sir Muhammad Zafrullah Khan: Government have no information. This is a matter of detailed administration within the competence of the Agent, Eastern Bengal Railway, to whom a copy of the question has been sent for information and such action as he may consider necessary.

RUNNING ROOM ARRANGEMENT FOR CREW STAFF ON THE EASTERN BENGAL RAILWAY.

229. **Mr. Umar Aly Shah:** Will Government be pleased to state if the crew staff under the Eastern Bengal Railway are considered as running staff? If so, will Government be pleased to state if any running room arrangement is in existence for the crew staff?

The Honourable Sir Muhammad Zafrullah Khan: I am collecting information and will lay a reply on the table of the House in due course.

MILEAGE ALLOWANCE GRANTED TO THE RUNNING PARCEL CLERKS ON THE EASTERN BENGAL RAILWAY.

230. **Mr. Umar Aly Shah:** (a) Will Government be pleased to state if it is a fact that the Railway Board has issued letter No. 35-A.L./101, dated the 1st September, 1936, to the Agent, Eastern Bengal Railway, communicating that mileage allowance granted to the Running Parcel clerks should cease finally from a date not later than the 31st October, 1936?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether sanction was obtained from the Governor General in Council? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: I am collecting information and will lay a reply on the table of the House in due course.

RETROSPECTIVE EFFECT TO CONCESSIONS GRANTED TO RAILWAY STAFF.

231. **Mr. Umar Aly Shah:** (a) Will Government be pleased to state if it is a fact that the Honourable the Commerce Member, in replying to unstarred question No. 499 of Dr. N. B. Khare on the 7th April, 1936, said that the usual policy of Government is not to grant retrospective effect, in general to concessions that may be granted?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state if retrospective effect to withdraw concessions already granted to staff are sanctioned?

The Honourable Sir Muhammad Zafrullah Khan: I am collecting information and will lay a reply on the table of the House in due course.

REDUCTION IN WORKING EXPENSES ON THE EASTERN BENGAL RAILWAY.

232. **Mr. Umar Aly Shah:** Will Government be pleased to state if it is a fact that the Eastern Bengal Railway Administration is contemplating reduction in working expenses? If so, will Government be pleased to state how they propose to do so?

The Honourable Sir Muhammad Zafrullah Khan: I am collecting information and will lay a reply on the table of the House in due course.

RUNNING PARCEL CLERKS ON THE EASTERN BENGAL RAILWAY.

233. **Mr. Umar Aly Shah:** (a) Will Government be pleased to state if it is a fact that the Eastern Bengal Railway Administration proposes to transfer the present Running Parcel Clerks from their running duties to other posts? If so, why?

(b) Will Government be pleased to state the date from which the Eastern Bengal Railway Administration have been paying the mileage allowance to the Running Parcel Clerks?

(c) Will Government be pleased to state if it is a fact that the duties allotted to the Running Parcel clerks on the Eastern Bengal Railway were performed by second guards before the posting of Running Parcel Clerks to passenger and mail trains?

(d) If the answer to part (c) be in the affirmative, will Government be pleased to state whether the Running Parcel clerks are doing the duties of second guards?

(e) Will Government be pleased to state if it is a fact that the Eastern Bengal Railway Administration has made a substantial saving in the way of claims for missing or shortages of luggages and parcels with the introduction of Running Parcel clerks? If so, will Government be pleased to state the reason for disallowing the mileage allowance?

(f) If the answer be in the negative, will Government be pleased to state what justification the Eastern Bengal Railway Administration had to replace the second guards by Running Parcel Clerks?

(g) Will Government be pleased to state if it is a fact that the Running Parcel Clerks are exempted from the Geneva Convention, as they are treated as running staff? If so, why are the Running Parcel Clerks disallowed the mileage allowance?

The Honourable Sir Muhammad Zafrullah Khan: I am collecting information and will lay a reply on the table of the House in due course.

POWERS GIVEN TO AGENTS OF STATE RAILWAYS TO MODIFY THE RULES FOR THE GRANT OF ALLOWANCES.

234. **Mr. Umar Aly Shah:** Are Government aware that Rule 359 of Chapter IV of State Railway Open Line Code, Volume II empowers the Manager of a State Railway, now called Agent of a State Railway, to modify the rules for the grant of allowance at their discretion to suit the circumstances of the railways under their control?

The Honourable Sir Muhammad Zafrullah Khan : I am collecting information and will lay a reply on the table of the House in due course.

SUNDAY FEES FUND AT THE MAJOR PORTS.

235. **Mr. V. V. Giri :** (a) Will Government be pleased to state the annual reserve accumulated in the Sunday Fees Fund at the various major ports of India during the last five years ?

(b) Will Government be pleased to state in what manner the amount collected in the fund is being utilised ?

(c) Will Government be pleased to state whether the unexpended balance of these reserves is brought forward from year to year and whether any credit for interest is given to these reserves ?

The Honourable Sir James Grigg : (a) There has been no surplus to carry forward.

(b) After making payments on account of Crown Overtime Fees, the balance is distributed to Seamen's and Customs Welfare Institutions but subject to a minimum payment of Rs. 88,000.

(c) Does not arise.

SUNDAY FEES FUND AT THE MAJOR PORT.

236. **Mr. V. V. Giri :** (a) Will Government be pleased to state whether the proceeds of the Sunday Fees Fund are utilised for the benefit and welfare of Indian seamen and, if so, how ?

(b) Will Government be pleased to state the amount spent for the benefit of European seamen and Indian seamen respectively from the proceeds of this Fund ?

The Honourable Sir James Grigg : (a) Yes—a part of the Fund is used for the benefit of Indian Seamen. A grant is made to the Indian Sailors Home, Bombay, and to certain hospitals in Burma which cater for Indians as well as for Europeans.

(b) A sum of Rs. 8,200 is paid yearly to an exclusively Indian Institution. Rs. 3,120 a year is paid to hospitals. About Rs. 38,000 a year is paid to other institutions which are mainly, but not in all cases, for European seamen.

GRANT TO THE MARINE CLUB OF CALCUTTA.

237. **Mr. V. V. Giri :** (a) Will Government be pleased to state whether the Marine Club of Calcutta is receiving any grant directly or indirectly through the Seamen's Welfare Association from Government ?

(b) Are Government aware whether Indian Officers are allowed admission in the Marine Club of Calcutta ?

The Honourable Sir James Grigg : (a) Yes. The Marine Club of Calcutta received grants of Rs. 8,850 for each of the years 1935-36 and 1936-37.

(b) Indian Officers are allowed admission to the Club.

EXPENDITURE INCURRED ON LEE CONCESSION PASSAGES.

238. **Mr. V. V. Giri :** Will Government be pleased to state the annual expenditure incurred on Lee concession passages year by year from 1931 to 1935 ?

The Honourable Sir James Grigg : The information is being collected and will be laid on the table of the House in due course.

DRIVERS IN THE JHANSI DIVISION OF THE GREAT INDIAN PENINSULA RAILWAY.

239. **Pandit Sri Krishna Dutta Paliwal :** (a) Will Government state the number of Anglo-Indian, Parsee, Hindu, Muslim and Indian Christian, drivers employed on the Great Indian Peninsula Railway on their main and branch lines in the Jhansi Division, working in different grades on their mail, passenger and goods trains ?

(b) Are these drivers recruited separately for main and branch lines in the various grades ? If so, what are the different grades and scales of pay for the Jhansi Division ?

(c) Are they recruited strictly on grounds of qualification and experience, or is race and creed also taken into consideration ?

(d) Is any person disqualified on grounds of religion or nationality from being recruited ? Are any post or grades reserved for any particular community ?

(e) What is the grade pay of drivers on passenger and goods trains ?

(f) Is it a fact that a circular of the Railway Board prohibits any racial preference or discrimination in the recruitment of drivers on railways ?

(g) Are Government satisfied that the Great Indian Peninsula Railway authorities adhere to the terms of this circular ? If not, do Government propose to ask them to do so ?

(h) Is it a fact that on the Jhansi-Manikpur, Bina-Katni and Kotah Branches, no Indian has been appointed as a passenger train driver ? If so, what are the reasons therefor ?

(i) Is it a fact that main line drivers, drawing larger pay and allowances, are recruited on branch lines in preference to branch line drivers drawing similar pay ?

(j) Are Government aware that there is much discontent among drivers who feel that their just claims have been ignored for appointment as passenger drivers ?

The Honourable Sir Muhammad Zafrullah Khan : I am collecting information and will lay a reply on the table of the House in due course.

INCOME AND EXPENDITURE OF THE SALES DEPARTMENT OF THE NORTH WESTERN RAILWAY.

240. **Sardar Sant Singh :** (a) Is it a fact that the annual expenditure incurred by the Sales Department of North Western Railway is Rs. 72,000 and that the earnings amount to only Rs. 24,000 ?

(b) Is it a fact that in spite of this, it has been given a new lease of life by the Railway Board? If so, why?

The Honourable Sir Muhammad Zafrullah Khan: I am collecting information and will lay a reply on the table of the House in due course.

ARTICLE WRITTEN BY MR. HAWKES, CHIEF COMMERCIAL MANAGER, NORTH WESTERN RAILWAY, ON RAIL-ROAD COMPETITION.

241. **Sardar Sant Singh:** (a) Is it a fact that Mr. Hawkes, Chief Commercial Manager, North Western Railway, wrote an article on Rail-Road Competition, which was severely criticised in the press?

(b) If so, did he first obtain the permission of Government, in accordance with Government Servants Conduct Rules, and what action do Government propose to take against him for breach of rules?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government have no information.

(b) Does not arise.

INJUSTICE DONE TO INDIAN OFFICERS ON THE NORTH WESTERN RAILWAY.

242. **Sardar Sant Singh:** (a) Is it a fact that a couple of years ago a new department called "Sales" was created on the North Western Railway?

(b) Is it a fact that Mr. C. D. Jordan, a promoted subordinate, was put in charge of this department in the senior scale of Imperial Service?

(c) Is it a fact that there are orders that no officer in the Lower Gazetted Service was to be promoted to the senior scale of Imperial Service?

(d) Is it a fact that all officers of the Imperial Service senior to Mr. Jordan appealed against their unmerited supersession?

(e) Is it a fact that Mr. Hawkes certified them all as unfit, in consequence of which their appeals were turned down?

(f) If the answer to the above be in the affirmative, will Government please state what they propose to do to remedy injustice being done to Indian officers and to check recurrence thereof on the North Western Railway?

The Honourable Sir Muhammad Zafrullah Khan: I am collecting information and will lay a reply on the table of the House in due course.

APPOINTMENT OF MR. HALES AS DIVISIONAL SUPERINTENDENT, RAWALPINDI DIVISION OF THE NORTH WESTERN RAILWAY.

243. **Sardar Sant Singh:** (a) Is it a fact that Mr. Hales, while working as Divisional Superintendent on the Quetta Division, caused a loss to the railway of Rs. 51,000, of which Rs. 18,000 were lawfully sanctioned by the Railway Board, the actual expenses not yet known, vide paragraph 57, page 28 of Railway Audit Report of 1935?

(b) Is it a fact that Mr. Hales was reduced while working on the Karachi Division for making over-payments amounting to thousands of rupees?

(c) Is it a fact that orders were passed prohibiting Mr. Hales from being put in charge of a Division?

(d) Is it a fact that in spite of the above orders, Mr. Hales was allowed to officiate as Chief Commercial Manager and is now working as Divisional Superintendent on the Rawalpindi Division?

The Honourable Sir Muhammad Zafrullah Khan: I am collecting information and will lay a reply on the table of the House in due course.

REFUSAL TO PERMIT SHAIKH ABDULLA KUFU, A WELL-KNOWN MUALLIM, FROM ENTERING INDIA.

244. **Khan Bahadur Shaikh Fazli-Haq Piracha:** (a) Are Government aware that Shaikh Abdulla Kufi, a subject of the Hedjaz Government, is a well-known Muallim of the Indian pilgrims for Hedjaz at Mecca?

(b) Is it a fact that the said Abdulla Kufi, Muallim, has been refused entrance to India by the Indian Government?

(c) If the answer to the above part be in the affirmative, will Government be pleased to state the reasons for that, and if the answer be in the negative, are Government prepared to make enquiries about the fact from their representative at Jeddah, and inform the House?

(d) Are Government aware that in case the said Shaikh Abdulla Kufi is not allowed to come to India, the pilgrims to Mecca will be deprived of his valuable assistance and guidance in their voyage to the Hedjaz?

Sir Aubrey Metcalfe: (a) The case of this mutawwif came to the notice of the Government of India.

(b) and (c). He was refused a visa for India on the ground that he had wrongfully withheld a sum of Rs. 100 from an Indian pilgrim. Subsequently on his paying a sum of Rs. 80 out of this sum, the restriction was withdrawn.

(d) Does not arise.

PROCEDURE ON STATE RAILWAYS FOR PUNISHING OR REDUCING THE STAFF FROM SUPERIOR TO INFERIOR SERVICE ON FAILURE TO PASS AN EXAMINATION.

245. **Mr. Ram Narayan Singh:** With reference to the reply given on the 31st August, 1936 to unstarred question No. 491 (page 78), asked in this House on the 7th April, 1936, will the Honourable Member for Commerce and Railways please state whether paragraphs 30 and 632, published in the East Indian Railway Gazettes, dated 24th January, 1934 and dated 3rd October, 1934, respectively, have retrospective effect? If not, what were the rules in force before the publications of the said paragraphs, both on old Oudh and Rohilkhand Railway Section and on old East Indian Railway Section and on amalgamated sections?

The Honourable Sir Muhammad Zafrullah Khan: I am collecting information and will lay a reply on the table of the House in due course.

APPEAL AGAINST THE DISCRETION OF THE DIVISIONAL SUPERINTENDENT OF THE EAST INDIAN RAILWAY.

246. **Mr. Ram Narayan Singh** : With reference to paragraph 632 of East Indian Railway Gazette, No. 20, dated the 3rd October, 1934 will the Honourable Member for Commerce and Railways please state whether an appeal lay against the discretion of the Divisional Superintendent ?

The Honourable Sir Muhammad Zafrullah Khan : I am collecting information and will lay a reply on the table of the House in due course.

MAINTENANCE OF RECORDS OF SUBORDINATE NON-PENSIONABLE SERVANTS ON STATE RAILWAYS.

247. **Mr. Ram Narayan Singh** : Will the Honourable Member for Commerce and Railways please state whether the provisions of Supplementary Rules 199, 200, 201 and 202 are applicable to permanent subordinate non-pensionable servants on State Railways, for whom a special form of record has been prescribed ? If not, then under what rule are their records maintained and prescribed ?

The Honourable Sir Muhammad Zafrullah Khan : I am collecting information and will lay a reply on the table of the House in due course.

INCUMBENT OF THE POST OF THE DEPUTY DIRECTOR, ESTABLISHMENT II, RAILWAY BOARD.

248. **Mr. Ram Narayan Singh** : Will the Honourable Member for Commerce and Railways please state :

(a) whether the present incumbent of the post of the Deputy Director, Establishment II, Railway Board was removed from the Superior Revenue Establishment of the North Western Railway ; if so, when and for what reasons or considerations ; and

(b) when and for what reasons or considerations he was subsequently recruited to the Superior Revenue Establishment of the old Oudh and Rohilkhand Railway ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). The information required by the Honourable Member will be found in the reply given by Sir George Rainy on the 16th September, 1929, to a question by Mr. D. K. Lahiri Choudhury.

COMPLETION OF DRAINAGE WORK IN SHAHDARA, DELHI.

249. **Mr. Ram Narayan Singh** : With reference to the answer given to part (d) of unstarred question No. 305 asked in this House on the 9th April, 1935, will the Honourable Member of the Government for Education, Health and Lands please state when the locality was last inspected by the Director of Public Health and with what result and the approximate date by which the drainage is to be completed ?

Mr. M. W. Yeatts : The locality was inspected by the Assistant Director of Public Health in 1935 as a result of which he submitted his

comments on a drainage scheme for the area drawn up by the Deputy Commissioner. This scheme is to form part of a programme for the expansion of medical and public health facilities in the Delhi Province which is in the course of preparation.

RAIL MOTORS RUN FROM SIMLA TO KALKA ON THE 20TH AUGUST, 1936.

250. **Mr. Ram Narayan Singh** : Will Government please state :

(a) the total number of Rail Motors run ex-Simla to Kalka on North Western Railway on 20th August, 1936 ;

(b) the number of passengers carried by each Rail Motor holding tickets and passes separately ;

(c) the fares recovered by and the expenditure incurred on each run of Rail Motor ;

(d) the seats reserved in each Rail Motor for ticket holders and pass holders separately ;

(e) the seats reserved and occupied in each Rail Motor by ticket and pass holders separately ;

(f) whether the fares for seats reserved and not occupied by the persons travelling in each Rail Motor were recovered from ticket and pass holders respectively ;

(g) whether the seats over and above actually occupied were reserved for comfortable travel of ticket and pass holders respectively ;

(h) why the fares for comfortable travels are not recovered ; and

(i) whether the reservation of seats on passes from starting station is permissible, if so, how a ticket holder can claim preference over a pass holder ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Three, of which one was returned empty having come up to Simla as a "special". The other two were Nos. 6-Down and 4-Down which are provided for in the time table.

(b), (d) and (e). No. 6-Down ... Four seats were reserved by ticket holders and were occupied by them.

Four other seats were also reserved by pass holders, but only two took up their reservation.

No. 4-Down

Five seats were reserved by ticket holders, four of whom took up their reservation and two others who had not reserved their seats also travelled.

One seat was reserved by a pass holder who occupied it and one other pass holder who had not reserved his seat also travelled.

(c) Rs. 73|8/- was recovered by 6-Down and Rs. 94|13/- by 4-Down. It is not practicable to estimate the expenditure incurred in view of numerous factors involved, several of which are difficult to determine with any approach to approximate accuracy.

(f) and (g). No.

(h) If a passenger reserves and actually occupies additional seats for his own comfort, fares for such seats will be recovered.

(i) Yes, on the understanding that the pass holder must give precedence to a ticket holder.

EXAMINATIONS FOR RECRUITMENT OF CLERKS IN THE GOVERNMENT OF INDIA
SECRETARIAT AND ATTACHED OFFICES.

251. Pandit Sri Krishna Dutta Paliwal : (a) Is it a fact that before 1934, a combined examination used to be held for employment in the Second Division of the Secretariat and the Attached Offices, and that the Second Division scales of the Secretariat and Attached Offices vastly differed from each other and the difference was so great that the Secretariat Second Division scale was practically double of the Attached Offices Second Division scale ?

(b) If so, will Government be pleased to state on what principle the candidates qualifying in the same examination were nominated to the Secretariat and Attached Offices in the two different scales ?

(c) Were the candidates nominated to the two different scales, *strictly in order of merit*, i.e., those who obtained the highest places were taken from the top and nominated to the higher Second Division scale of the Secretariat and those who ranked junior to them, were nominated to the Attached Offices in the lower second division scale ?

(d) If so, will Government please refer to the results of the second division examination held in 1925 and state whether it is a fact that most of the successful candidates from No. 15 and downwards, were nominated to the higher second division scale in the Secretariat, in which they are now permanently employed ; while there were some candidates above No. 15, who were nominated to the lower second division scale in the Attached Offices where they are now permanently employed ?

(e) Will Government be pleased to state why the principle of nomination to the higher scale of the Secretariat *strictly in order of merit*, was not followed in respect of some candidates above No. 15 ?

(f) Will Government be pleased to state what steps were taken to remove such irregularities, when they were brought to light on several occasions ?

The Honourable Sir Henry Craik : Sir, I propose, with your permission to answer questions Nos. 251 to 255 together. The necessary information is being collected and replies to the questions will be laid on the table in due course.

EXAMINATIONS FOR RECRUITMENT OF CLERKS IN THE GOVERNMENT OF INDIA
SECRETARIAT AND ATTACHED OFFICES.

†252. Pandit Sri Krishna Dutta Paliwal : (a) Is it a fact that prior to 1934, separate examinations were held for the Second and the Third divisions and that candidates appearing in the Second division examination were required to possess a higher standard of educational qualifications than those appearing for the Third division ?

(b) Is it also a fact that prior to 1934, there was no Third division in the Attached Offices and candidates qualified for the Third division with lower educational standard were nominated to the Second division in the Attached Offices in the same scale with those who qualified for the Second division and possessed higher educational qualifications ?

(c) If the answer to parts (a) and (b) be in the affirmative, will Government be pleased to state why candidates passing a higher examination were treated alike and nominated on the same footing with those who passed a lower examination and possessed lower educational qualifications ?

(d) Will Government be pleased to state whether they propose to accord preference to candidates qualified for a higher examination in respect of promotion to the First division in the Attached Offices, over those who are qualified for the Third division only and also over those who have not qualified in any examination at all and possess lower educational qualifications than candidates qualified for the Second division ?

EXAMINATIONS FOR RECRUITMENT OF CLERKS IN THE GOVERNMENT OF INDIA
SECRETARIAT AND ATTACHED OFFICES.

†253. Pandit Sri Krishna Dutta Paliwal : (a) Is it a fact that before 1925, the Second division Secretariat scale of the Secretariat was regarded as quite distinct from the Attached Offices Second division scale and that separate examinations were held for the two different scales ?

(b) Is it also a fact that before 1925, the Second division Secretariat scale and the First division Attached Offices scale, were regarded as identical and that on one or two occasions, a combined examination was held for the Second division Secretariat and the First division Attached Offices ?

(c) Is it also a fact that before 1924, all such candidates who had qualified for the Second division Secretariat only, but were nominated in the Second division of the Attached offices, were subsequently declared to have qualified for the First division Attached offices ?

(d) If the answer to parts (a), (b) and (c) be in the affirmative, will Government be pleased to state why those candidates who qualified for the Second division in the examinations of 1925 and after were not also declared to have qualified for the First division Attached Offices, as was done in the case of those who qualified for the Second division scale before 1924 ?

(e) Are Government aware that many of those who qualified in 1925 and after for the Second division of the Secretariat and were nominated to the lower Second division scale of the Attached offices, are graduates

†For answer to this question, see answer to question No. 251.

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with distinguished careers and possess superior qualifications to those who qualified for the same division before 1925 ?

(f) If so, do Government propose to consider to provide these men who qualified for the Second division from 1925 onwards and possessing higher educational qualifications in the First division of the Attached Offices ?

(g) Do Government propose to provide those Second division qualified men who obtained high positions in the examination, in the Second division of the Secretariat or in the First division in some other Attached offices ?

EXAMINATIONS FOR RECRUITMENT OF CLERKS IN THE GOVERNMENT OF INDIA
SECRETARIAT AND ATTACHED OFFICES.

†254. Pandit Sri Krishna Dutta Paliwal : (a) Is it a fact that several of the men who qualified for the Third division only and possess lower educational qualifications, have now been permanently absorbed, or are officiating, either in the Second division of the Secretariat or in the Upper division in the Attached Offices, without even qualifying for any of the two divisions ? Is it further a fact that several of those who qualified for the Second division in 1925 have not secured any of the two parallel scales and are still employed in the lower Second division scale of the Attached Offices, which has a somewhat lower start and maximum than even the Third division of the Secretariat ?

(b) If so, are Government prepared to replace the Third division men (who are now employed in the Second division of the Secretariat or the Upper division of the Attached Offices and are now enjoying a higher scale before those who qualified for a higher scale), by persons who qualified for a higher scale ?

(c) Is it also a fact that most of those who qualified for the Second division in 1925, including several of those from No. 15 downwards in the list of successful candidates are now enjoying the old First division scale of the Secretariat, which is thrice higher than the old Second division scale of the Attached Offices ; while several of those who stood above No. 15 have not yet even got the old Second division scale of the Secretariat in which their juniors were provided ten years ago ?

(d) If so, are Government prepared to provide these men, in the old First division scale of the Secretariat ?

EXAMINATIONS FOR RECRUITMENT OF CLERKS IN THE GOVERNMENT OF INDIA
SECRETARIAT AND ATTACHED OFFICES.

†255. Pandit Sri Krishna Dutta Paliwal : (a) Is it also a fact that there are several candidates, who were passed over by their juniors in the list, i.e., those who had obtained higher positions were nominated in the same office much after those who were their juniors in the list and thus who were senior in order of merit in the examination became juniors in a particular Department and those who were juniors in the list became senior to them in the same Department ?

†For answer to this question, see answer to question No. 251.

(b) Is it also a fact that in several cases, candidates qualifying for the Third division in the same year, happened to be posted in the Second division of the Attached Offices, prior to those who qualified in the same year for the Second division and the Third division qualified men thus became senior to the candidates qualified for the higher scale ?

(c) If the answers to parts (a) and (b) be in the affirmative, will Government be pleased to state what steps were taken to remove such anomalies ?

(d) If no such steps have been taken up to now, do Government propose to take immediate steps to remove such anomalies ?

LIFE INSURANCE COMPANIES IN THE PROVINCES.

256. Pandit Sri Krishna Dutta Paliwal : (a) Will Government be pleased to state the number of life insurance companies in each province doing business under the Indian Life Assurance Companies Act, 1912 as at 30th September, 1936 ?

(b) What is the total number of the companies working under the Life Insurance Companies Act of 1912 in this country, and how many of these were started in this current decade, i.e., registered after the 1st January, 1931, in each province ?

(c) How many of these companies, started in the current decade, i.e., after the 1st January, 1931, have furnished securities with the Controller of Currency for rupees one lakh or over ?

(d) What is the maximum amount a life insurance company is required to deposit with the Controller of Currency under the Act as security money ?

(e) How many of the companies registered after the 1st January, 1936 have been able to deposit the above maximum amount upto 30th September, 1936 ? If any, will Government be pleased to state the names of such companies ?

(f) How many of the life assurance companies started during this decade had to stop their business for non-fulfilment of the security deposit condition ? Will Government be pleased to name them and also the provinces in which they were registered ?

(g) Will Government be pleased to state the number and names of companies started after the 1st January, 1931, who have undergone actuarial valuation together with the deficit on surplus shown by each company ?

The Honourable Sir Muhammad Zafrullah Khan : (a), (b) and (g). Two statements giving the necessary information are laid on the table.

(c) Of the Indian Life assurance companies started after the 1st January, 1931, five deposited Government securities of the face value of Rupees one lakh or over up to the 31st December, 1935.

(d) and (e). The Honourable Member's attention is invited to section 4 (1) of the Indian Life Assurance Companies Act, 1912. The maximum deposit required for any Company is securities of the face value of two hundred thousand rupees, but this may be worked up to

annually as prescribed. None of the Companies registered after the 1st January, 1936, has in fact deposited the maximum.

(f) None.

I. Statement showing the number of Indian Life Assurance Companies as at 30th September, 1936.

Name of Province.	Total No. of Companies.	No. of Companies started since 1st January, 1931.
Madras	36	20
Bombay	55	18
Bengal	36	18
Punjab	30	18
Sind	13	9
Assam	2	1
Central Provinces	5	3
United Provinces	11	11
Bihar	4	4
Ajmer-Marwara	3	2
Delhi	10	7
N. W. F. P.	1	1
Total	206	112

II. Statement showing certain particulars in respect of actuarial valuations of the Indian Life Assurance Companies started after 1st January, 1931.

Serial No.	Name of Company.	Year of Establishment.	Date of valuation.	Result of valuation.
1	Depositors Benefit Insurance Co., Bombay.	1932	31-3-1935	Rs. 24,863 (surplus).
2	Swadeshi Bima Co., Agra	1931	31-12-1934	Rs. 4,300 (deficit covered by paid up capital).
3	Neptune Assurance Company, Bombay	1931	31-7-1935	Rs. 26,084 (surplus).

UNSTARRED QUESTIONS AND ANSWERS.

ABOLITION OF THE CADRE OF STATION SERVICE TELEGRAPHISTS.

257. **Sardar Sant Singh** : (a) Is it a fact that in pursuance of Government orders on the recommendation of the Varma Committee, Station Service of Telegraphists' cadre has been abolished ?

(b) Is it a fact that after abolition of the Station Service referred to above, some General Service telegraphists drawing maximum salary of the grade were transferred to the Station Service ?

(c) If the replies to parts (a) and (b) be in the affirmative, will Government be pleased to state how it was possible to transfer telegraphists from the General Service to the Station Service already abolished ?

(d) Do Government propose to transfer the remaining forced Station Service telegraphists to the General Service ? If not, why not ?

The Honourable Sir Frank Noyce : (a) The fact is not as stated by the Honourable Member. The cadre of station service telegraphists still exists, but fresh recruitment to the cadre from outside has been stopped.

(b) Yes.

(c) Does not arise in view of the reply to part (a).

(d) No, because Government do not require any more general service telegraphists.

COMPLAINTS ABOUT THE ADMINISTRATION OF THE CENTRAL TELEGRAPH OFFICE, CALCUTTA.

258. **Sardar Sant Singh** : (a) Is it a fact that various complaints about the administration of the Central Telegraph Office, Calcutta have reached higher authorities since Mr. Mich Dsouza took over charge of that office ?

(b) Is it a fact that the Chief Superintendent referred to in part (a) has withdrawn all concessions regarding attendance, duty hours, reliefs, etc., of the staff ?

(c) Will Government be pleased to state the object of local orders in telegraph offices ? Are not manual rules, Director General's and Postmasters General's circulars and general orders sufficient for administration of telegraph offices in India ?

(d) Will Government be pleased to state the number of local orders issued in the Central Telegraph Office, Calcutta during the administration of the present Chief Superintendent upto 31st August, 1936 ?

The Honourable Sir Frank Noyce : (a), (b) and (d). Government have no information and do not propose to call for it. The Postmaster-General is competent to deal with the matter and any official who has any grievance may represent it in the usual manner to the proper authority.

(c) As regards the first part of the question, the object of local orders in telegraph offices is to give instructions to staff in matters purely of local interest. The reply to the second part of the question is in the negative.

INTRODUCTION OF THE SUPERVISOR-OPERATOR SCHEME IN SOME TELEGRAPH OFFICES.

259. **Sadar Sant Singh** : (a) Is it a fact that since the introduction of the supervisor-operator scheme in some telegraph offices the number of mutilations in messages has increased ?

(b) Is there any record to show the comparative statements of mutilations of messages before and after the introduction of the said scheme ?

(c) If the reply to part (b) be in the affirmative, will Government be pleased to place a copy of the statements on the table ?

(d) Is it a fact that a telegraphist is one day a signaller and another day a supervisor under the supervisor-operator scheme ?

(e) Is it a fact that there is no provision for grant of relief to the supervisor-operator ? Is relief granted ? If so, who relieves him ?

(f) Have Government considered whether it is economical to have signalling work done by highly paid and trained technical supervisors in view of the revised rates of pay of telegraphists ?

(g) Is it not a fact that when a supervisor-operator has to attend to his technical duties loss of operating time and consequent delay in the disposal of traffic become unavoidable ?

(h) Is it a fact that traffic supervisors and electrical branch officers submitted reports on the merits of the Baudot supervisor-operator working ? If so, will Government be pleased to lay copies of such reports on the table ?

(i) Have Government come to any final decision, one way or the other, regarding the supervisor-operator scheme ?

The Honourable Sir Frank Noyce : (a) Government have no reason to believe that the fact is as stated by the Honourable Member.

(b) No.

(c) Does not arise.

(d) The fact is not as stated by the Honourable Member. The Supervisor-Operator supervises the working of the baudot machine and does not supervise the work of any other employees. He performs the work of either reception or sending of messages when his attention is not required for the machine.

(e) The fact is not as stated by the Honourable Member. Reliefs are granted, when necessary, another Supervisor-Operator attending to the machine, if required.

(f) and (g). The attention of the Honourable Member is drawn to paragraphs 76-80 of the Report of the Telegraph Establishment Enquiry Committee, 1932-33.

(h) Government have no information.

(i) Government have not yet come to a final decision.

SUPERVISION OF WORK BY THE TELEGRAPH MASTER IN THE CENTRAL TELEGRAPH OFFICE, CALCUTTA.

260. **Sadar Sant Singh** : (a) Is it a fact that according to orders of the Government of India on the recommendations of the Telegraph Establishment Enquiry Committee a Telegraph Master is to supervise the work of 12 telegraphists ?

(b) Is it a fact that in the Central Telegraph Office, Calcutta a Telegraph Master has to supervise the work of more than 12 telegraphists during the period from 10 to 20 hours ?

(c) If the reply to parts (a) and (b) be in the affirmative, do Government propose to order removal of the irregularity for maintaining efficiency in supervision ?

The Honourable Sir Frank Noyce : (a) The fact is not as stated by the Honourable Member. The standard for fixing the number of telegraph masters in every office is one telegraph master for every twelve telegraphists and clerks when the latter are actually under the supervision of the telegraph master. This does not mean that no telegraph master should be expected to supervise more than twelve telegraphists.

(b) Government have no information.

(c) Does not arise.

DURATION OF DUTIES IN TELEGRAPH OFFICES.

231. **Sadar Sant Singh** : (a) Is it a fact that there are three kinds of duties in telegraph offices, viz., morning, evening and night ?

(b) Is it a fact that morning duty is of eight hours duration, evening duty of seven hours duration and night duty of six hours duration ?

(c) Is it a fact that duty commencing at 2 A.M. is of seven hours duration and a duty commencing at 12 noon is of eight hours duration ?

(d) If the replies to parts (b) and (c) be in the affirmative, are Government prepared to reduce these two duties by one hour ?

The Honourable Sir Frank Noyce : (a), (b) and (c). The Honourable Member's attention is invited to Rule 53 of the Posts and Telegraphs Manual, Volume IX, a copy of which is attached.

(d) No.

Copy of Rule 53 of the Posts and Telegraphs Manual, Volume IX.

Rule 53.—The hours of duty of telegraphists and clerks must be arranged on the following principles :—

(a) Duty commencing at or after 5 hours, and ending before 21 hours, should be of 8 hours' duration.

(b) Duty commencing before and ending after 5 hours, should be of 7 hours' duration. This may be reduced to 6½ hours on condition that no meal relief is claimed.

(c) Duty commencing before 19 hours, and ending at or after 21 hours, should be of 7 hours' duration.

(d) Duty commencing at or after 19 hours, and ending before 5 hours should be of 6 hours' duration.

NOTE.—The hours of duty of Women Telegraphists are the same as for men except that they may not be required to work before 8 A.M. or after 9 P.M.

COMMITTEES FORMED FOR THE POSTS AND TELEGRAPHS DEPARTMENT.

262. **Sardar Sant Singh :** (a) Will Government be pleased to refer to the answer given to the question No. 115 on 18th February, 1936, and place on the table a list of committees formed for the Posts and Telegraphs Department combinedly or separately showing the year as well as the personnel of each from 1900 to 1935 ?

(b) Will Government be pleased to state :

- (i) which of these committee reports are available for sale ; and
- (ii) which of these are followed for regulation of duty hours and night duties of the staff ?

The Honourable Sir Frank Noyce : Information is being collected and will be placed on the table of the House in due course.

RAISING OF SERVICE LIMIT FOR RECRUITMENT TO THE CADRE OF ENGINEERING SUPERVISORS OF THE TELEGRAPH ENGINEERING BRANCH.

263. **Sardar Sant Singh :** (a) Is it a fact that departmental candidates having more than seven years' service in their respective grades are not recruited to the cadre of Engineering Supervisors of the Telegraph Engineering Branch ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state the reason for putting the maximum service limit of departmental candidates at seven years for their eligibility for recruitment to the Engineering Supervisor's grade ?

(c) Are Government prepared to raise the service limit from seven to 12 years ? If not, why not ?

The Honourable Sir Frank Noyce : (a) The limit is ordinarily seven years' service, but in special cases it can be exceeded.

(b) The object is to secure young men for the Engineering Supervisors grade as the work involves strenuous outdoor duty.

(c) Does not arise in view of the replies to parts (a) and (b).

AMALGAMATION OF TWO GRADES IN THE SUPERIOR TRAFFIC SERVICE OF THE POSTS AND TELEGRAPHS DEPARTMENT.

264. **Sardar Sant Singh :** (a) Is it a fact that the two grades in the superior traffic service of the Posts and Telegraphs Department have been amalgamated into one grade ?

(b) Is it a fact that the periods required by officials to reach the maximum stages of salary in the old and new continuous scales are 15 to 20 years, respectively ?

(c) If the reply to part (b) be in the affirmative, will Government be pleased to state (i) the approximate age of Telegraph Masters when they will be promoted to the Superior Traffic Service, Second division, and (ii) whether there is any likelihood of a fair number of them reaching the maximum stages of pay ?

(d) Are Government prepared to increase the rate of increment and lessen the period covered by the scales of pay ?

The Honourable Sir Frank Noyce : (a) The two grades A and B which existed in the Telegraph Traffic Service, Class II, have been amalgamated into one grade.

(b) By the old continuous scale the Honourable Member apparently refers to the scale of pay applying to officers of the Superior Traffic Branch, II Division. The new continuous scale is identical with the old scale for officers of the Superior Traffic Branch, II Division. The scale is Rs. 350—20—550—30—700, and it will take 15 years in the ordinary course for an officer to reach the maximum.

(c) As promotion to the Superior Traffic Service, Class II, is by selection from the class of Telegraph Masters, it is not possible to state the age at which Telegraph Masters would be promoted to that service. Government see no reason to believe that a fair number of the promoted officials will not reach the maximum of the scale.

(d) No.

WIRELESS WHEATSTONE SYSTEM FOR WORKING BETWEEN RANGOON AND MADRAS.

265. **Sardar Sant Singh :** (a) Is it a fact that the wireless wheatstone system was introduced for working between Rangoon and Madras in 1927 ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state :

- (i) how long it lasted and when it was abolished ;
- (ii) if abolished, what the reason was for its abolition ;
- (iii) whether any other system was introduced in its place ; and
- (iv) what was the cost (both initial and recurring) involved in introducing and maintaining the system, respectively ?

(c) If the reply to part (b) (iii) be in the affirmative, will Government be pleased to state :

- (i) what the initial cost was of the second new system ;
- (ii) whether the new system is still in vogue ; if not, why not .
- (iii) if the reply to part (c) (ii) be in the affirmative, the extent of loss incurred ; and
- (iv) who is responsible for making these experiments ?

(d) Will Government be pleased to state the conditions on which certain station service telegraphists volunteered for service in Burma in connection with wireless wheatstone system ?

(e) Is it a fact that these telegraphists were appointed temporarily on general service scale of pay ?

(f) Is it a fact that the system was subsequently declared permanent and the operators were brought to the permanent establishment of the general service ?

(g) Is it a fact that Government decided that the pay of those operators would be charged under the head 'pay of permanent establishment, etc.' ?

(h) Will Government be pleased to state the reason for reverting the operators to the station service after eight years' service under general service conditions ?

(i) Is it not a fact that when the wireless wheatstone system was made permanent the services of the operators were also made permanent along with the system ? If not, why not ?

(j) Is it not a fact that at the time of selection for training in the wireless wheatstone system the operators were given definite hopes to the effect that their prospects in this branch would depend upon the success of the experiment ?

(k) Is it not a fact that these men being employed as wireless wheatstone operators lost chances of prospects in all other branches of the department ?

(l) Are Government prepared to grant them general service ?

(m) Do Government propose to transfer them to civil wireless after usual training on permanent general service scale of pay, etc. ?

The Honourable Sir Frank Noyce : Information is being collected and will be placed on the table of the House in due course.

RECOGNISED SERVICE UNIONS AND ASSOCIATIONS OF THE STAFF OF THE POSTS AND TELEGRAPHS DEPARTMENT.

266. **Sardar Sant Singh :** (a) Will Government be pleased to state the number and names of the Service Unions and Associations of the staff of the Posts and Telegraphs Department in India recognised by the Government of India ?

(b) Is it a fact that there is a separate organisation for the gazetted officers of Post Offices ? If so, what is its name and where is it located ?

(c) Is it a fact that there are many Gazetted officers in the Central as well as branch committees of the All-India Telegraph Union and Indian Telegraph Association ?

(d) If the reply to part (c) be in the affirmative, will Government be pleased to state the names of those Gazetted officers in the Central Committees of those two organisations and the positions they hold in telegraph offices ?

(e) Is it a fact that there was a proposal to instruct the gazetted officers not to stand for election in those committees or to take part in them as their presence in those committees is likely to stifle the free opinion of their subordinates in those committees and thus prejudice the interest of the latter who form about 90 per cent. of the members of the organisations concerned ?

(f) Will Government be pleased to state if any definite order to the effect referred to in part (e) has been issued by Government ?

(g) If so, will Government be pleased to place a copy of the said order on the table ?

(h) If not, do Government propose to issue such orders now ?

The Honourable Sir Frank Noyce : (a) A statement showing the names of the recognised service unions and associations of the Posts and Telegraphs Department is attached.

(b) Yes.

(c) Government have no information.

(d) Does not arise.

(e) A proposal is under consideration, but not wholly for the reason mentioned by the Honourable Member.

(f) No.

(g) Does not arise.

(h) The matter is under consideration.

List of recognised service unions and associations of the Posts and Telegraphs Department.

1. Telegraph Engineers Association, Delhi.
2. Indian Posts and Telegraphs Union, Delhi.
3. All-India Telegraph Union, Calcutta.
4. Postal Officers Association, India, Calcutta.
5. All-India (including Burma) Posts and Telegraphs Administrative Officers Association, Lucknow.
6. All-India R. M. S. Inspectors Association.
7. Indian Telegraph Association, Calcutta.
8. All-India Postmen and Lower Grade Staff Union, Lucknow.
9. All-India and Burma Postmasters Association.
10. All-India (including Burma) Postal and R. M. S. Union, New Delhi.
11. All-India (including Burma) Postal Accountants Association, Poona.
12. Association of All-India Postal Town Inspectors, Delhi.

TELEGRAPH MASTERS IN TELEGRAPH OFFICES.

267. **Sardar Sant Singh :** (a) Will Government be pleased to state the number of sanctioned Telegraph Masters in different Telegraph Offices in India for 1936-37 and the number of permanent Telegraph Masters in service ?

(b) Is it a fact that in spite of permanent vacancies in the cadre of Telegraph Masters due to retirement and promotion, passed hands are being shown for a long time as officiating in this grade ? If so, why ?

(c) Will Government be pleased to state when those officiating men are likely to be made permanent ?

(d) Is it a fact that junior hands are getting officiating allowance at the rate of Rs. 100 or so per month by local arrangements while the seniors by being made permanent would have got Rs. 20 or so only per month ?

(e) Do Government propose to take immediate steps and effect economy by making officiating Telegraph Masters permanent ? If not, why not ?

(f) Will Government be pleased to state the number of Telegraph Masters sanctioned for 1936-37 for offices at Calcutta, Bombay, Madras, Rangoon, Agra, Karachi and the number of present officiating men in each of those offices?

(g) Is it a fact that the officiating Telegraph Masters are allowed to draw pay of telegraphists' grade when they proceed on formal leave on application or on medical certificate? If so, will Government be pleased to quote authority for the same?

(h) Do Government propose to take steps to prevent such financial loss to those men who have been shown as officiating for a long time in spite of permanent vacancies in the grade of Telegraph Masters? If not, why not?

The Honourable Sir Frank Noyce: Information is being collected and will be placed on the table of the House in due course.

OUTTURN OF THE STAFF IN A FIRST CLASS TELEGRAPH OFFICE ON CERTAIN POINTS.

268. **Sardar Sant Singh:** (a) Will Government be pleased to state the standard outturn of the staff in a first class telegraph office on the following points and the authority for the same?

1. Desk (i) Desk Proper, (ii) Reference point, (iii) St. point.
2. Addressing (i) Adrema printing, (ii) C. Passing.
3. Censor Telegraphists.
4. Baudot operators.
5. Murrery operators.
6. Morse operators.
7. Establishment section clerks.
8. Account section clerks.

(b) Is it a fact that explanations are called for from operators, clerks and supervisors of the Central Telegraph Office, Calcutta for low outturn even when traffic is clear and the officials are faulted? If so, why?

The Honourable Sir Frank Noyce: (a) No standard outturn for the staff mentioned by the Honourable Member is fixed. Certain standards have been fixed for determining the strength of the staff which should be sanctioned for a certain class of work, but this does not mean that the staff must give the standard outturn, no more or no less.

(b) Government have no information. It is open to any official who considers he has a grievance to represent it in the usual manner to the proper authority.

GUARDS ON THE NORTH WESTERN RAILWAY.

269. **Dr. N. B. Khare:** Will Government please state the strength in each grade of guards on the North Western Railway between the years 1926 and 1936 year, division and communitywise, with scales of pay of each grade and the reasons for difference, if any?

The Honourable Sir Muhammad Zafrullah Khan: The information is not readily available and its collection will involve an amount of labour and expense not commensurate with the results likely to be obtained.

GUARDS ON THE NORTH WESTERN RAILWAY.

270. **Dr. N. B. Khare:** Will Government please state the number of persons communitywise recruited direct or appointed by promotion to the highest grade of guards on the North Western Railway between the years 1926 and 1936, year and divisionwise?

The Honourable Sir Muhammad Zafrullah Khan: Government have no information and its collection will involve an amount of labour and expense not likely to be justified by results.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 1547 asked by **Sirdar Jogendra Singh** on the 14th April, 1936.

DELAY IN THE DISPOSAL OF APPEALS REGARDING CONSTRUCTION OF BUILDINGS LYING IN THE MUNICIPAL COMMITTEE, DELHI.

(a) and (b). No appeals relating to 1930-33 are pending, but about 100 cases are still under re-consideration.

(c) No.

(d) and (f). Inspections are carried out when the Committee so orders. If any specific cases are cited they will be examined.

(e) Government regret that the collection of the information asked for would involve a disproportionate expenditure of time and labour.

Information promised in reply to part (a) (ii) of starred question No. 353 asked by **Mr. S. Satyamurti** (on behalf of **Mr. M. Asaf Ali**) on the 14th September, 1936.

DRAINAGE SYSTEM OF NEW DELHI AND OLD DELHI.

(a) (ii). The expenditure on the drainage system of old Delhi was Rs. 8,98,574 up to the end of 1935-36.

Information promised in reply to starred question No. 925 asked by **Prof. N. G. Ranga** on the 9th October, 1936.

CATTLE BYRES IN NEW DELHI.

(a) Yes.

(b) No. There are 11 Cattle Byres situated in different centres in New Delhi.

(c) Yes.

(d) Contractors, some of whom are *gwalas*, are bound by the condition that they must give preference to *bona fide* property (cows and buffaloes) of Government servants.

(e) No. The Byres are kept as clean as they possibly can be.

(f) No. Experience has shown that this is not desirable.

MOTION FOR ADJOURNMENT.

SUSPENSION OF SOME PATWARIS OF THE ALIGARH DISTRICT FOR ALLEGED
ATTENDING AN ELECTION MEETING.

Mr. President (The Honourable Sir Abdur Rahim) : Has any further information been obtained about the subject matter of the adjournment motion ?

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhammadan Rural) : We were under the impression that the adjournment motion will be taken up only at twelve o'clock after the question hour.

Pandit Sri Krishna Dutta Paliwal (Agra Division : Non-Muhammadan Rural) : We are expecting a message from Aligarh any moment.

Pandit Lakshmi Kanta Maitra : We were under the impression yesterday that questions will be taken up in the usual course. Now, we have dispensed with the questions. My Honourable friend, Pandit Govind Ballabh Pant, has not yet arrived, and I, therefore, request that this motion may be taken up at 12 o'clock.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : It may be taken up after the Durgah Bill is over.

Mr. President (The Honourable Sir Abdur Rahim) : There is a technical difficulty in taking up this motion at 12 o'clock. Standing Order No. 21 says :

"Leave to make a motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance must be asked for after questions and before the list of business for the day is entered upon."

Mr. Mohan Lal Saksena (Lucknow Division : Non-Muhammadan Rural) : As a matter of fact, yesterday I asked Pandit Govind Ballabh Pant to send a telegram and also to telephone to Aligarh and find out the facts. They had promised to send further information by night. I do not know whether my Honourable friend, Pandit Govind Ballabh Pant, has received further information, and since there were questions for today, Pandit Govind Ballabh Pant might perhaps arrive here a little later.

Mr. President (The Honourable Sir Abdur Rahim) : Honourable Members have now agreed that questions should be dispensed with.

Mr. Mohan Lal Saksena : In any case, Government ought to have got some further information.

Mr. President (The Honourable Sir Abdur Rahim) : I simply want to know if the Honourable Member has since received any further information.

Mr. Mohan Lal Saksena : I am not in a position to give any further information until my Honourable friend, Pandit Govind Ballabh Pant, arrives. He might possibly have received telephonic message.

Dr. Ziauddin Ahmad : May I also add that I sent a telephonic message yesterday to Aligarh after hearing this thing here, and I came to know by telephone that orders were given suspending the patwaris

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MOTION FOR ADJOURNMENT.

and the peons not for attending any particular meeting, but obeying the rules of Government service and for absenting themselves from duty without leave.

Mr. President (The Honourable Sir Abdur Rahim) : On the information that is before the House, I am not satisfied that the order of suspension on 11 patwaris and two court peons in Khairi, district Aligarh, with respect to which this adjournment motion has been tabled was passed because they had attended an election meeting as alleged. It appears from the statement of the Honourable the Home Member that his information is that these officers were suspended primarily because of neglect of duty or absence from their posts, and not for attending any election meeting addressed by Pandit Jawahar Lal Nehru. It has been ruled by my predecessor in office and it has been the practice since that if a statement appearing in a newspaper is disputed by the Member of the Government or any other Member of this House then the motion for adjournment should not be allowed unless some authentic official information is available. As in this case the best information that is available is that these men were suspended not for attending an election meeting but because of neglect of their duty, I must rule that the motion is out of order.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary to the Assembly : Sir, the following Message has been received from the Council of State :

"I am directed to inform you that the Council of State has, at its meeting held on the 15th October, 1936, agreed without any amendment to the following Bills which were passed by the Legislative Assembly at its meetings held on the 10th, the 12th and the 18th October, 1936, namely :

1. A Bill further to amend the Indian Tea Cess Act, 1903, for certain purposes.
2. A Bill to implement Article 28 of the Geneva Convention of the 27th day of July, 1929.
2. A Bill to amend the Indian Rubber Control Act, 1934, for certain purposes.
4. A Bill to validate certain marriages solemnized in the Civil and Military station of Bangalore.
5. A Bill to amend the Indian Tea Control Act, 1933, for certain purposes.
6. A Bill to provide out of the property of the Indian Red Cross Society a fund to be administered in Burma by a Burma Red Cross Society and to terminate in Burma the existing functions of the Indian Red Cross Society.
7. A Bill further to amend the General Clauses Act, 1897, for a certain purpose.
8. A Bill further to amend the Chittagong Port Act, 1914, for certain purposes, and
9. A Bill further to amend the Code of Civil Procedure, 1908, for certain purposes (Amendment of section 51, etc.)."

THE DURGAAH KHAWAJA SAHEB BILL.

Mr. President (The Honourable Sir Abdur Rahim) : The Assembly will now resume consideration of the Durgah Khawaja Saheb Bill.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, in view of the agreement, I don't want to proceed further with my speech. (Laughter.)

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

"That the Bill to make better provision for the administration of the Durgah and the Endowment of the Durgah or Khawaja Mo-n-ud-din Chisti, generally known as Durgah Khawaja Sahab, Ajmer, as passed by the Council of State, be taken into consideration."

The motion was adopted.

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

"That clause 2 stand part of the Bill."

Dr. Ziauddin Ahmad : Sir, I move :

"That in sub-clause (1) (b) of clause 2 of the Bill, after the word 'buildings' the words 'and moveable property' be inserted."

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

"That in sub-clause (1) (b) of clause 2 of the Bill, after the word 'buildings' the words 'and moveable property' be inserted."

The motion was adopted.

Dr. Ziauddin Ahmad : Sir, I move :

"That in sub-clause (1) (c) of clause 2 of the Bill, after the word 'Jagir' the words 'including all land, houses and shops and all landed property wheresoever situated belonging to the Durgah Sharif' be inserted."

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

"That in sub-clause (1) (c) of clause 2 of the Bill, after the word 'Jagir' the words 'including all land, houses and shops and all landed property wheresoever situated belonging to the Durgah Sharif' be inserted."

The motion was adopted.

Dr. Ziauddin Ahmad : Sir, I move :

"That in sub-clause (1) (d) of clause 2 of the Bill, the word 'British' be omitted."

I should like to give some explanation for this, the reason being that the next amendment has been sent to be typed and it has not yet arrived so as to be in time. I want to say just a few words in connection with this particular amendment and I will continue till that particular amendment has come.

Mr. President (The Honourable Sir Abdur Rahim) : Then this clause 2 may stand over for the present till those amendments come.

The question is :

"That in sub-clause (1) (d) of clause 2 of the Bill, the word 'British' be omitted."

The motion was adopted.

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

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

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

"That clause 4 stand part of the Bill."

Dr. Ziauddin Ahmad : Sir, I move :

"That in sub-clause (1) of clause 4 of the Bill, for the word 'supervision' the word 'administration' be substituted."

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

"That in sub-clause (1) of clause 4 of the Bill, for the word 'supervision' the word 'administration' be substituted."

The motion was adopted.

Dr. Ziauddin Ahmad : Sir, I move :

"That in sub-clause (1) of clause 4 of the Bill, the words 'and of buildings connected therewith' be omitted."

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

"That in sub-clause (1) of clause 4 of the Bill, the words 'and of buildings connected therewith' be omitted."

The motion was adopted.

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

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

The motion was adopted.

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

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

"That clause 5 stand part of the Bill."

Mr. M. Ghiasuddin (Punjab : Landholders) : Sir, I move :

"That in clause 5 of the Bill, for the word 'nineteen' the word 'twenty-five' be substituted."

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

"That in clause 5 of the Bill, for the word 'nineteen' the word 'twenty-five' be substituted."

The motion was adopted.

Mr. M. Ghiasuddin : Sir, I move :

"That for sub-clause (e) of clause 5 of the Bill, the following be substituted :

'(e) three shall be elected by the Muslim members of the Central Legislature ;'

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

"That for sub-clause (e) of clause 5 of the Bill, the following be substituted :

'(e) three shall be elected by the Muslim members of the Central Legislature ;'

The motion was adopted.

Dr. Ziauddin Ahmad : Sir, I move :

"That sub-clause (f) of clause 5 of the Bill be omitted and the subsequent sub-clauses be re-lettered accordingly."

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

"That sub-clause (f) of clause 5 of the Bill be omitted and the subsequent sub-clauses be re-lettered accordingly."

The motion was adopted.

Dr. Ziauddin Ahmad : Sir, I move :

"That sub-clause (g) of clause 5 of the Bill be omitted and the subsequent sub-clauses be re-lettered accordingly."

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

"That sub-clause (g) of clause 5 of the Bill be omitted and the subsequent sub-clauses be re-lettered accordingly."

The motion was adopted.

Dr. Ziauddin Ahmad : Sir, I move :

"That sub-clauses (h) and (i) of clause 5 of the Bill be re-lettered as sub-clauses (f) and (g), respectively."

It is a consequential amendment.

Mr. President (The Honourable Sir Abdur Rahim) : If sub-clause (g) is omitted, the other sub-clauses have to be re-lettered.

Dr. Ziauddin Ahmad : The necessity of this is that a sub-clause (g) will reappear in some other form later.

Mr. President (The Honourable Sir Abdur Rahim) : I do not know : very well. I will put it. The question is :

"That sub-clauses (h) and (i) of clause 5 of the Bill be re-lettered as sub-clauses (f) and (g), respectively."

The motion was adopted.

Dr. Ziauddin Ahmad : Sir, I move :

"That after sub-clause (i) of clause 5 of the Bill, the following new sub-clauses be inserted :

(j) one shall be elected by the Muslim Members of the United Provinces Provincial Legislatures ;

(k) one shall be elected by the Muslim Members of the Bihar Provincial Legislatures ;

(l) one shall be elected by the Muslim Members of the Bengal Provincial Legislature ;

(m) one shall be elected by the Muslim Members of the Punjab Provincial Legislature ;

(n) one shall be elected by the Muslim Members of the Sind Provincial Legislature ;

(o) one shall be elected by the Muslim Members of the Madras Provincial Legislatures."

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

"That after sub-clause (i) of clause 5 of the Bill, the following new sub-clauses be inserted :

(j) one shall be elected by the Muslim Members of the United Provinces Provincial Legislatures ;

(k) one shall be elected by the Muslim Members of the Bihar Provincial Legislatures ;

(l) one shall be elected by the Muslim Members of the Bengal Provincial Legislature ;

(m) one shall be elected by the Muslim Members of the Punjab Provincial Legislature ;

(n) one shall be elected by the Muslim Members of the Sind Provincial Legislature ;

(o) one shall be elected by the Muslim Members of the Madras Provincial Legislatures."

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Sir, on this amendment I have got a grievance on behalf of Bengal. Muhammadans form 55 per cent. of the total population of Bengal and 42 per cent. of India amongst the Muslims. I ask, is there any sense of proportion when, under clause 5, the number of representatives from Bengal will be only one, while Madras and Bihar which have only a few per cent. of Muhammadans have one each. I ask that the Bengal Muhammadans should have at least more than one member in the committee. This is not a place to share these things that are scattered, but the people who go to this sacred shrine should be properly represented, for its administration, as they come from long distances. Otherwise there will be no equity. When equity and law are considered, it is clear that Bengal should have more than the number allotted to that province at present. Bengal will elect at least 5 out of 20 ! (An Honourable Member : "Twenty-five, not twenty !") Well, the more the merrier. Bengal, having 42 per cent. of the total Muhammadan population of India, must have more than 5.....

Mr. President (The Honourable Sir Abdur Rahim) : Has the Honourable Member given any notice of any amendment to that effect ?

Mr. K. Ahmed : No. I am simply making a speech on the amendment that has been moved. And now that the amendment is before the House, I ask, Sir, if there has been any compromise or if there was any conspiracy among the Muslim Members to come to a compromise. If they have done so, then they will certainly have a big burden on them. Muhammadans outside are watching all their activities. When this Bill was sponsored yesterday, there were many speeches made in support of the measure, and the object of the Bill is to have better administration, and not misappropriation. (Laughter.) The nature of the present administration has been questioned in the country, and when it was said that the income of the Shrine was only Rs. 50,000. I was thunderstruck, because my information was it was about 2 lakhs, and these Khadims and Sajjada Nashins and their associates who have nothing to do with the Great Saint who lived in the 12th century, are all mismanaging the estates, misappropriation comes in, and there are a lot of complaints against them. Therefore, Sir, unless Bengal gets a full share.....

An Honourable Member : Full share of this misappropriation ?

Mr. K. Ahmed : Unless Bengal gets a full share in the representation, it will be unjust to us. The Surme is not the place where people can gather round to divide the booty for their own benefit. That is not the place for people to gather together to divide the income and then run away with whatever they get out of the little offerings. Therefore, unless Bengal gets its adequate share, we would not like to join the illegal conspiracy that has been hatched. There are people representing the present Sajjadanashins and Khadims, but the Saint who died in the 12th century had no issues, and they cannot be properly qualified representatives. People are hired for the occasions, they are gained over for the occasions. Members do not properly consult among themselves, they have no sense of proportion. Why have you omitted the Muslims of Bengal, although proportionately it has a far larger Muslim population than other provinces. Is there anything right ? Is there any sense of proportion ? You go and divide and take the major portion of the booty yourself. I therefore say, Sir, that this is not equitable, and the Members must come to a compromise and give Bengal an adequate share of representation. (Laughter.)

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

"That after sub-clause (i) of clause 5 of the Bill, the following new sub-clauses be inserted :

- (j) one shall be elected by the Muslim Members of the United Provinces Provincial Legislatures ;
- (k) one shall be elected by the Muslim Members of the Bihar Provincial Legislatures ;
- (l) one shall be elected by the Muslim Members of the Bengal Provincial Legislature ;
- (m) one shall be elected by the Muslim Members of the Punjab Provincial Legislature ;
- (n) one shall be elected by the Muslim Members of the Sind Provincial Legislature ;
- (o) one shall be elected by the Muslim Members of the Madras Provincial Legislatures."

The motion was adopted.

Dr. Ziauddin Ahmad : Sir, the next is mine, No. 15 on the Supplementary List.

Mr. President (The Honourable Sir Abdur Rahim) : No, Mr. Nauman's amendment comes next. No. 5 on Supplementary List No. 1.

Mr. Muhammad Nauman (Patna and Chota Nagpur cum Orissa : Muhammadan) : Sir, I move :

"That in sub-clause (j) of clause 5 of the Bill, for the words 'Hyderabad's Government' the word 'Hyderabad' be substituted."

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

"That in sub-clause (j) of clause 5 of the Bill, for the words 'Hyderabad's Government' the word 'Hyderabad' be substituted."

The motion was adopted.

Dr. Ziauddin Ahmad : Sir, I beg to move :

"That sub-clause (j) of clause 5 of the Bill be re-lettered as sub-clause (n)."

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

"That sub-clause (j) of clause 5 of the Bill be re-lettered as sub-clause (n)."

The motion was adopted.

Dr. Ziauddin Ahmad : Sir, I beg to move :

"That after sub-clause (n) of clause 5 of the Bill, the following new sub-clause be inserted :

- (o) four Sajjada Nashins of the Shrines of the Chisti Order of Sufis to be co-opted by the members elected or nominated under the preceding sub-sections (a) to (n)."

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

"That after sub-clause (n) of clause 5 of the Bill, the following new sub-clause be inserted :

- (o) four Sajjada Nashins of the Shrines of the Chisti Order of Sufis to be co-opted by the members elected or nominated under the preceding sub-sections (a) to (n)."

The motion was adopted.

Dr. Ziauddin Ahmad : Sir, I beg to move :

"That to clause 5 of the Bill, the following proviso be added :

- 'Provided that no person other than a Hanafi Muslim shall be a member thereof. Members elected by the Provincial and Central Legislatures may not be members of Legislatures.'

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

"That to clause 5 of the Bill, the following proviso be added :

- 'Provided that no person other than a Hanafi Muslim shall be a member thereof. Members elected by the Provincial and Central Legislatures may not be members of Legislatures.'

The motion was adopted.

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

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : Then we will come to clause 2.

Dr. Ziauddin Ahmad : Sir, I beg to move :

"That for sub-clause (d) (e) of clause 2 of the Bill, the following be substituted :

- '(e) only such offerings as are intended explicitly for the use of the Durgah.'

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

"That for sub-clause (d) (e) of clause 2 of the Bill, the following be substituted :

- '(e) only such offerings as are intended explicitly for the use of the Durgah.'

The motion was adopted.

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

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

The motion was adopted.

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

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

" That clause 6 stand part of the Bill."

Dr. Ziauddin Ahmad : Sir, I move :

" That in clause 6 of the Bill, after the word ' election ', occurring in the first line, the words ' of members mentioned in section 5 (d) ' be inserted."

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

" That in clause 6 of the Bill, after the word ' election ', occurring in the first line, the words ' of members mentioned in section 5 (d) ' be inserted."

The motion was adopted.

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

" That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

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

" That clause 7 stand part of the Bill."

Khan Sahib Nawab Siddique Ali Khan (Central Provinces : Muhammadan) : Sir, I move :

" That for clause 7 of the Bill, the following be substituted :

" 7. Only those Muslims who are recorded as voters in the Register of voters of the Municipal Board of Ajmer, except persons belonging to the Khadim community, shall have the right to vote in the election of members under section 5 (d) ."

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

" That for clause 7 of the Bill, the following be substituted :

" 7. Only those Muslims who are recorded as voters in the Register of voters of the Municipal Board of Ajmer, except persons belonging to the Khadim community, shall have the right to vote in the election of members under section 5 (d) ."

The motion was adopted.

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

" That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Clause 8 was added to the Bill.

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

" That clause 9 stand part of the Bill."

Dr. Ziauddin Ahmad : Sir, I move :

" That clause 9 of the Bill be omitted."

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

" That clause 9 of the Bill be omitted."

The motion was adopted.

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

" That clause 10 stand part of the Bill."

Dr. Ziauddin Ahmad : Sir, I move :

" That to clause 10 of the Bill, the following be added at the end :

" casual vacancies shall be filled up by the authority which has the power to appoint the members ."

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

" That to clause 10 of the Bill, the following be added at the end :

" casual vacancies shall be filled up by the authority which has the power to appoint the members ."

The motion was adopted.

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

" That clause 10, as amended, stand part of the Bill."

The motion was adopted.

Clause 10, as amended, was added to the Bill.

Clause 11 was added to the Bill.

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

" That clause 12 stand part of the Bill."

Dr. Ziauddin Ahmad : Sir, I move :

" That in sub-clause (1) of clause 12 of the Bill, all the words occurring after the figures ' 1863 ' be omitted."

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

" That in sub-clause (1) of clause 12 of the Bill, all the words occurring after the figures ' 1863 ' be omitted."

The motion was adopted.

Qazi Muhammad Ahmad Kazmi (Meerut Division : Muhammadan Rural) : Sir, I move :

" That for sub-clause (2) of clause 12 of the Bill, the following be substituted :

" (2) The duties and powers of the Committee shall be—

(a) to manage the Durgah endowment ;
(b) to keep the buildings within the boundaries of the Durgah Sharif and all buildings, houses and shops comprised in the Durgah Endowment in proper order and in a state of good repair ;

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Dr. Ziauddin Ahmad : Sir, I move :

"That after clause 17 of the Bill, the following new clause be inserted :

'18. No act or proceeding of the Committee shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members.'

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

"That after clause 17 of the Bill, the following new clause be inserted :

'18. No act or proceeding of the Committee shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members.'

The motion was adopted.

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

"That clause 17, as amended, stand part of the Bill."

The motion was adopted.

Clause 17, as amended, was added to the Bill.

Clause 18 was added to the Bill.

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

"That clause 19 stand part of the Bill."

Dr. Ziauddin Ahmad : Sir, I beg to move :

"That in clause 19 of the Bill, for all the words occurring after the words 'Durgah Endowment' in the fifth line, the words 'to religious preaching' be substituted."

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

"That in clause 19 of the Bill, for all the words occurring after the words 'Durgah Endowment' in the fifth line, the words 'to religious preaching' be substituted."

The motion was adopted.

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

"That clause 19, as amended, stand part of the Bill."

The motion was adopted.

Clause 19, as amended, was added to the Bill.

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

"That clause 20 stand part of the Bill."

Dr. Ziauddin Ahmad : Sir, I beg to move :

"That for clause 20 of the Bill, the following be substituted :

'20. (a) The accounts of the Durgah shall be duly audited every year by a Chartered or Registered Accountant appointed by the Committee.

(b) The Committee shall publish an annual report on the administration of the Durgah with the financial estimate and the report of the Auditor.'

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

"That for clause 20 of the Bill, the following be substituted :

'20. (a) The accounts of the Durgah shall be duly audited every year by a Chartered or Registered Accountant appointed by the Committee.

(b) The Committee shall publish an annual report on the administration of the Durgah with the financial estimate and the report of the Auditor.'

The motion was adopted.

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

"That clause 20, as amended, stand part of the Bill."

The motion was adopted.

Clause 20, as amended, was added to the Bill.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I beg to move :

"That necessary corrections of the numbering and lettering of the sections inserted be carried out together with consequential corrections of cross references."

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

"That necessary corrections of the numbering and lettering of the sections inserted be carried out together with consequential corrections of cross references."

The motion was adopted.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill. (Loud Applause.)

Syed Ghulam Bhik Nairang (East Punjab : Muhammadan) : Sir, I beg to move :

"That the Bill to make better provision for the administration of the Durgah and the Endowment of the Durgah of Khawaja Moin-ud-din Chisti, generally known as Durgah Khawaja Sahib, Ajmer, as passed by the Council of State, and as amended, be passed."

In moving this motion, Sir, it is due from me that I should not only offer my best thanks but really my hearty congratulations to the House on the most admirable spirit which has prevailed ever since I moved the motion for the consideration of this Bill up to the present moment. (Hear, hear) Sir, the striking unanimity with which the entire House has given its support to the Bill is a remarkable event in the history of this Legislature. (Hear, hear.) I say that, Sir, in spite of the voice of dissent which we heard this morning from our very much esteemed friend, Mr. Kabeer-ud-Din Ahmed (Applause), who, contrary to all expectations, appeared to be a bit serious (Laughter), but this exception is subject also to my great appreciation of the spirit in which he behaved at the time of voting, because he did not say "no" when the question was put. (Hear, hear.) I think that I may inform him through you, Sir, that Bengal has been given the fullest consideration by us in the matter of this Bill. Sir, he was expatiating on the large percentage of the Muslim population in Bengal and again and again telling us that it was 55 per cent. of the entire population of that Province. I wish to inform him that the Punjab has

[Syed Ghulam Bhik Nairang.]

got 56 per cent. Muslims in the population and yet to the Punjab also we have given only one member. So it is I think absolutely just, and when on the top of this he will discover that in the original allotment of seats on the Durgah Committee made by the Council of State, Bengal was nowhere, he should feel—it is possibly presumptuous on my part to say so—obliged to those gentlemen who considered the various amendments and did not forget Bengal. Sir, my friend Mr. Kabeer-ud-Din Ahmed, talked a good deal of a sense of proportion. Sir, I want to inform him that I do, I think, possess some sense of proportion.

Mr. K. Ahmed : What about the Frontier.

Syed Ghulam Bhik Nairang : Well, Sir, I may also pay my acknowledgments to the way in which we were guided and assisted in the matter of this Bill by Government. (Hear, hear.)

I know, Sir, that but for their ready and generous co-operation with us in the matter of this Bill, there was little chance of the Bill ever coming before this House during this Session as so many Members had left the station and everybody was practically in a hurry to leave the station to attend to his private business and Government itself has its own work to attend to. So, the fact that they found time for us and gave us every facility in piloting this Bill through this House is a thing for which we are deeply grateful to them. (Hear, hear.) I may say, if it is not invidious, that in this matter we are particularly indebted to our esteemed friend, Mr. Spence and our respected Leader of the House, the Honourable Sir Nripendra Sircar. (Hear, hear.) I may also submit that we are very deeply grateful for the generous co-operation which we have received from all sections and all parties of this House, particularly from the Congress Party which gave us a blank cheque in the matter. (Hear, hear.) It was certainly in a praiseworthy and friendly spirit that they said that whatever we, the Muslim Members, decided to do they would heartily support and they have been as good as their promise. I may submit that the Honourable Members of the Council of State also deserve our gratitude and expression of appreciation. Whatever they did in the Council of State, it was their immediate duty. They have worked hard there and we know they were working against time but that was what they were naturally expected to do. But after they had passed the Bill in the other House, they gave us, the Members of the Assembly, most ungrudging help and whenever we wanted information or advice or help, they most readily came to our assistance and we know that, but for their assistance, it would have been very difficult for us, looking at the short time that was at our disposal to have properly understood and appreciated the various provisions of the Bill. In this matter, without mentioning names which may look invidious, I submit that all the Honourable Members of the Council of State who have been working day and night with us in this matter deserve our warmest thanks. (Hear, hear.) I may also state that we have received very great help from the Ajmer gentlemen who, on behalf of the several interests connected with the Durgah Sharif, have been spending their time here at Simla and helping us in the matter. It might have apparently looked as if they were here to represent their particular interests but, as a matter of fact, the way in which they gave us information and supplied documents, bearing upon the various questions which arose either directly or indirectly in connection with the several provisions

of the Bill, was of the greatest help to us. We are particularly obliged to the representatives of the Venerable Sajjada Nasim Sahib, to the representatives of the Venerable Mutawalli Sahib and to the respectable members of the Khuddam community who gave us every help in understanding the several questions of fact connected with the legislative measure before this House. We are especially indebted to Mirza Abdul Qadir Beg, who is one of the most respected personalities in Ajmer and who has done yeomen's service to the Durgah Sharif by collecting all the necessary and relevant materials and by putting them at our disposal and thus helping us in properly preparing the amendments and seeing that the measure takes a shape which may, without favouring or disfavoring any party, be a piece of legitimate reform in the management of the Durgah Sharif. Sir, there is no doubt, considering the various conflicting interests which were to be dealt with, we had a very difficult task before us. We had to steer clear of Scylla and Charybdis. We may now thank God that we are out of it quite safely and we have at least the satisfaction of having done the work in all good faith without trying to favour any party or without in any way attempting to injure any party. In this connection, I must, as the Member who has piloted this Bill in this House, make my acknowledgments to my Honourable brethren, the Muslim Members of this House, who for about a week have been working at high pressure day and night in preparing the various amendments and studying the Bill, so that today we had perfect unanimity amongst us all and could during the short period which alone could be allotted to us carry this Bill through. Although it may not be very much appropriate, yet I must make my acknowledgments to the office of the Assembly also who really were put to very unusual trouble. We were telephoning to them our amendments, giving them our amendments on small bits at unusual hours, asking them to type them and to get them printed. All this work was done by them most willingly and most efficiently and we are bound to thank them. (Hear, hear.)

Now, Sir, after these few remarks I move that the Bill, as amended, be passed.

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

“That the Bill, as passed by the Council of State, and as amended by the Assembly, be passed.”

Khan Sahib Nawab Siddique Ali Khan : Sir, this Bill came before this Honourable House as a result of the opinions of the Judicial officers of the Government because the existing law—Act XX of 1863—and Notification No. 1811-A of 1867 by which the Durgah is at present governed, could not be changed and amended except by express legislation. It is a remarkable characteristic of this Bill that from the very beginning it has received almost universal support from all quarters and that it has ended in the support of even that small group of vested interests who originally seemed to oppose it. When first published in the papers after the Simla Session of 1935, the Muslim press in India welcomed the measure with rare enthusiasm and cordiality. When it was moved for consideration at Delhi, leaders like the late lamented Dr. M. A. Ansari, and Sir Abdul Rahman of Delhi published touching appeals requesting the Members of the Council of State to see that the Bill was passed. Even prior to the introduction of the Bill, a representation was submitted to Government emphasising the need for a suitable measure of reform in the administration of the Durgah Sharif

[Khan Sahib Nawab Siddique Ali Khan.]

and this representation was signed, among others, by leaders like late Maulana Muhammad Ali, distinguished Members of the Assembly, the Council of State and many leading Ulemas and Sooties of India, including Hazrat Sajjada Nashin of Taunsa and Hazrat Khwaja Hasan Nizami of Delhi. While the Bill was moved for consideration at Delhi, an appeal for support of the Bill was circulated under the signatures of such eminent Muslims of Ajmer as Hazrat Sajjada Nashin Sahib of Hazrat Khawaja Sahib himself, Khan Bahadur Abdul Wahid Khan, President, Durgah Committee, and Mirza Abdur Qadar Beg, Advocate, President of the Rajputana and Central India Provincial Muslim League, whose sincere and self-less co-operation in getting this Bill through the Council of State cannot be over-estimated.

Sir, the Mover of the Bill, the Honourable Raja Ghazanfar Ali Khan, both in his speeches on the Bill in the Council of State and in private discussion on its provisions has always shown a remarkable patience, perseverance and liberal mindedness to which we owe the success of the Bill in the Council of State. The result of all this is that the Bill as passed by the Council of State enjoys the support of all parties, Sajjada Nashin, Mutawalli and independent Muslims at Ajmer and is universally applauded by the Muslim Press in India. Nothing could bear better testimony to the utility of the Bill than the fact that it is a measure enjoying universal support. Sir, I am ready to admit without any hesitation that there may still be some defects in the Bill when it emerges out of this House. It cannot be said that it was due to lack of interest on the part of Members of this House but the main reason for the deficiency may be due to the shortness of time which was at our disposal. I appeal to the Members to give a fair trial to this Bill and if unfortunately it does not meet their requirements they are at liberty to bring in an amending Bill.

Sir, no seat has been provided for a Muslim from the Central Provinces and Berar on the Durgah Committee. But I am sure the Muslim Members of the Indian Legislature while electing three members under sections 5 (d) and (f) will favourably consider the advisability of having a Muslim member from the Central Provinces and Berar.

Sir, till yesterday evening several Members of this House thought that the Muslim Members will not come to an agreement and that it will be a controversial Bill. But I am glad that all the Muslim Members unanimously decided to support the Bill. It would not be out of place to mention here that the credit of bringing this unanimity amongst the Muslim Members who did not see eye to eye with the supporters of this Bill goes to my Honourable friends, Maulvi Sir Muhammad Yakub, Syed Ghulam Bhik Nairang and Dr. Ziauddin Ahmad. Furthermore it has given us a proof that Maulana Shaukat Ali and Dr. Ziauddin Ahmad can unite on such vital matters.

Sir, under the circumstances I heartily support the amended Bill and request the Honourable Members of this House also to support it.

Mr. M. Ghiasuddin : Sir, a few years ago, I had the chance of visiting the Scottish National War Memorial at Edinburgh. It is the boast of the architect who designed it that he has not forgotten anybody who served in the War. There are the figures of soldiers of every nationality

who representing every service, who fought and died in the great struggle ; there are also the figures of animals which served the Allied cause, there are the figures of dogs and pigeons and even of rats which had been of any use. Sir, the speech of my Honourable friend, Mr. Ghulam Bhik Nairang, reminds me of that war memorial and he has not forgotten anybody in his thanks. I cannot say very much by way of thanks because all the persons who were to be thanked have been thanked by him. He was so much in thanking mood that he has even thought of thanking God though last of all. Now, Sir, one or two names, with your permission, I cannot help mentioning. One is of my Honourable friend, Raja Ghazanfar Ali Khan (Applause), who introduced this Bill in another place and I can say from my personal experience about the way in which he has been going about and the trouble he has taken, how interested he was and how he served the cause of this Bill. Another name I must mention is a friend very near to me at present, namely, my Honourable friend, Syed Ghulam Bhik Nairang, who took no end of trouble in preparing this Bill and within a very short period the historical researches that he has made in the conflicting claims of different parties are really marvellous. I am sure that with a Judge like him no party is likely to suffer in any way and there is no chance of anybody's interests being unjustly affected, so long as he is in charge of the affairs. (Hear, hear.) Now, Sir, with your permission, I may offer a word of advice to those persons whom this Bill really affects. These are the gentlemen from Ajmer who represent different parties there. Through you, Sir, I will request them to work out this Bill exactly in the spirit in which we have passed it here, because without their support this Bill will be merely a scrap of paper. Any Bill with whatever laudable intention is passed, if it is not worked in the proper spirit the time and labour of the Legislature is wasted. We require the co-operation of those gentlemen in Ajmer most of all to make this Bill a success and I hope they will co-operate with us in working this Bill in the best of spirit. Sir, today is the day of Friday which is considered a sacred day amongst the Muslims. Today is the last sitting of this Session and what more can we want than we should have served the Saint who came here some 800 years ago, on this auspicious Friday ; and that we should end our labours in great harmony serving that great Saint who served our motherland. Sir, with these words, I support this measure. (Applause.)

Maulvi Syed Murtuza Sahib Bahadur (South Madras : Muhammadan) : Sir, I rise to express my joy at our having passed this Bill into an Act. This measure is calculated to improve matters to a great extent. No doubt as we had not sufficient time, we were not able to make palpable improvement in the Bill. But whatever we have done is of course to a certain extent satisfactory. Sir, in this connection I have to say that Hazrat Khawaja Moin-ud-din Chishti was the founder of one of the orders of Sufis called Chishtis and as such it was quite necessary that we should have passed such a measure even earlier than today. The other day in another place the Honourable Nawab Sir Akbar Khan and today another Honourable friend, Mr. K. Ahmed, made certain allegations against the Sajjadanashins of this holy shrine. Now, I feel it my duty to refute their arguments. They say that these Sajjadanashins are not the descendants of Hazrat Khawaja Moin-ud-din Chishti.

Mr. K. Ahmed : I said he was childless. He had no son.

Maulvi Syed Murtuza Sahib Bahadur : I will just quote authority to show that he had children. Sir, in a very recognized book called Akbar-ul-Akhyar written by Maulana Abdul Haq, who is well known to be a 2nd Imam-e-Azam, it is said that Saint Hazrat Khawaja Moin-ud-din Chishti had three sons, and I will refer to page 114 of that book wherein the names of the three sons are given. They are :

- (1) Shaik Abu Sayeed,
- (2) Shaik Fakhruddin, and
- (3) Shaik Hisamuddin.

The first-named son was by the daughter of Shaik Vajeehudeen and the other two by another lady.

Moreover, it should be known that according to the Judicial Commissioner's judgment and even according to Akbarnama which was compiled by Abul Fazl, the Prime Minister of Akbar, the Great, it is said that these Sajjadanashins are the direct descendants of the Khawaja Sahib. Moreover, I will assert for the information of the House that unless the geneology of the Sajjadanashins be proved to be genuine, no one can become a Sajjadanashin or a Gaddinashin. That being the case, how is Mr. Kabeeruddin Ahmed or anybody else justified in making a violent remark on the descendants of such a well known and great Saint ?

Mr. K. Ahmed : Where is that geneological table ?

Maulvi Syed Murtuza Sahib Bahadur : Here it is ; if you know Persian, you can read it. If other authorities are wanted, I will refer the Honourable Member to the following works :

- (1) Tuzuk-i Jahangiri ; (2) Muntakhabut Tarikh by Mullah Abdul Khader Badayuni ; (3) Maunisol Arvah by Princess Jahan Ara ; (4) Miratul Asrar by Abdur Rahman Alavi Chishti ; (5) Siarul Aulia by Syed Muhammad Kirmani ; (6) Matloobut Talibeen by Syed Muhammad Bulaq ; (7) Lamatul Anwar by Maulvi Anwarul Haq of Delhi ; (8) Gulzare Abrar ; (9) Sairul Arifeen ; and (10) Chahar Gulshan-e-Muhammad Shahi.

Mr. K. Ahmad : I know these are very good books, all right. (Laughter.)

Maulvi Syed Murtuza Sahib Bahadur : Sir, with these few remarks, I support the motion that the Bill be passed.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I rise to congratulate my Muhammadan brethren on having succeeded, with complete harmony, in passing this very important and necessary Bill. Sir, I come from Sind which is well known as the land where lived and still live saints and sufis and therefore I can very well appreciate a Bill of this kind. Nowadays these temples and durgahs are going on in such a manner that they require to be administered and I congratulate the inhabitants of that place who had this idea of seeing that this durgah is well managed. Those who know this durgah, specially my Muslim friends from Sind who know this durgah, know how affairs there are going on ; and I thought that in the absence of my Muhammadan friends from Sind in this House, I must ask that Sind should not be forgotten in the matter of representation on this committee. I

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do not blame anybody because I know that in the Council of State also the Honourable Raja Saheb who sponsored this Bill did not perhaps know much about the Sind sufis and saints. But I do not blame him at all, and I thank my Muhammadan friends that as soon as I moved this amendment it was agreed to and accepted. This Bill as has now been passed will remain a good document if its provisions are carried out properly ; not that there should be dissensions amongst people who live on the spot and who may thus frustrate the very object of this Bill. I therefore in the end again congratulate my Muhammadan friends on having sponsored such a Bill which is for the purpose of the amelioration of such a very important durgah and also because this will lead the country to consider with regard to all temples and durgahs whether certain legislation to control them should not be passed. Sir, with these words, I support the motion that the Bill as amended be passed.

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

“ That the Bill, as passed by the Council of State, and as amended by the Assembly, be passed.”

The motion was adopted.

The Assembly then adjourned *sine die*.

