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THE

LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume I, 1936

(3rd February to 14th February, 1936)

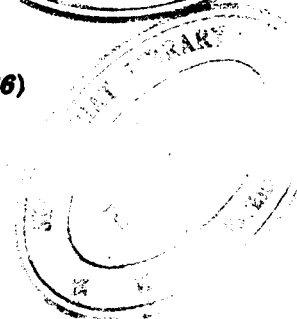
THIRD SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,
1936



NEW DELHI
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1936.



THE
LEGISLATIVE ASSEMBLY DEBATES

(Continued)

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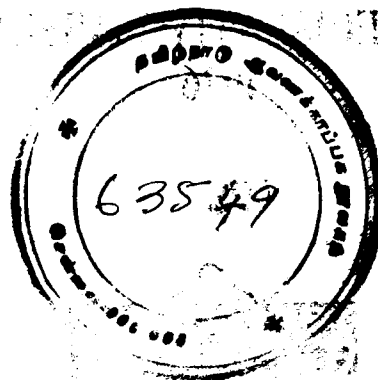
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OFFICE OF THE SECRETARY
1937

Legislative Assembly.

President :

THE HONOURABLE SIR ABDUR RAHIM, K.C.S.I., KT.

Deputy President :

MR. AKHIL CHANDRA DATTA, M.L.A.

Panel of Chairmen :

PANDIT GOVIND BALLABH PANT, M.L.A.
SIR COWASJI JEHangIR, BART., K.C.I.E., O.B.E., M.L.A.
SIR LESLIE HUDSON, KT., M.L.A.
SIR MUHAMMAD YAMIN KHAN, KT., C.I.E., M.L.A.

Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

Assistant of the Secretary :

RAI BAHADUR D. DUTT.

Marshal :

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

Committee on Petitions :

MR. AKHIL CHANDRA DATTA, M.L.A., *Chairman.*
SIR LESLIE HUDSON, KT., M.L.A.
MR. B. DAS, M.L.A.
DR. ZIAUDDIN AHMAD, C.I.E., M.L.A.
MR. M. S. ANEY, M.L.A.

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THE
LEGISLATIVE ASSEMBLY DEBATES
(OFFICIAL REPORT OF THE THIRD SESSION OF THE FIFTH
LEGISLATIVE ASSEMBLY.)

VOLUME I—1936.

(189)

LEGISLATIVE ASSEMBLY.

Monday, 3rd February, 1936.

The Assembly met in the Assembly Chamber of the Council House in New Delhi at Eleven of the Clock, being the First Day of the Third Session of the Fifth Legislative Assembly, pursuant to Section 63-D (2) of the Government of India Act, Mr. President (The Honourable Sir Abdur Rahim, K.C.S.I., Kt.), was in the Chair.

MEMBERS SWORN:

The Honourable Sir Frank Noyce, K.C.S.I., C.B.E. (Member for Industries and Labour);
Sir Leslie Hudson, Kt., M.L.A. (Bombay: European);
Haji Chaudhuri Muhammad Ismail Khan, M.L.A. (Burdwan and Presidency Divisions: Muhammadan Rural);
Raizada Hans Raj, M.L.A. (Jullundur Division: Non-Muhammadan);
Babu Kailash Behari Lal, M.L.A. (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan);
Mr. Charles Harrington Witherington, M.L.A. (Assam: European);
Mr. L. C. Buss, M.L.A. (Nominated Non-Official);
Sir Girja Shankar Bajpai, K.B.E., C.I.E., M.L.A. (Secretary, Department of Education, Health and Lands);
Sir Herbert Aubrey Francis Metcalfe, K.C.I.E., C.S.I., M.V.O., M.L.A. (Foreign Secretary);
Mr. George Hamming Spence, C.I.E., M.L.A. (Secretary, Legislative Department);
Mr. Hugh Dow, C.I.E., M.L.A. (Government of India: Nominated Official);

- Mr. Sydney Vernon Acott, M.L.A. (Bombay: Nominated Official);
- Mr. Saiyid Aminuddin, M.L.A. (Bombay: Nominated Official);
- Mr. Arthur Jules Dash, M.L.A. (Bengal: Nominated Official);
- Mr. Srimanta Kumar Das-Gupta, M.B.E., M.L.A. (Bengal: Nominated Official);
- Mr. John Ford Sale, M.L.A. (United Provinces: Nominated Official);
- Khan Bahadur Shaikh Khurshaid Muhammad, M.L.A. (Punjab: Nominated Official);
- Rai Bahadur Shyam Narayan Singh, C.B.E., M.L.A. (Bihar and Orissa: Nominated Official);
- Mr. Wilfrid Vernon Grigson, M.L.A. (Central Provinces: Nominated Official);
- Dr. John Henry Hutton, C.I.E., M.L.A. (Assam: Nominated Official); and
- Mr. Raibeart MacIntyre MacDougall, C.I.E., M.L.A. (Burma: Nominated Official).

MOTION RE EXPRESSIONS OF REGRET ON THE DEATH OF HIS LATE MAJESTY KING GEORGE V, AND CONGRATULATIONS TO HIS MAJESTY KING EDWARD VIII UPON HIS ACCESSION.

Mr. President (The Honourable Sir Abdur Rahim): It will perhaps meet the wishes of the House that there shall be no business today except the motion which stands in the name of the Honourable Sir Nripendra Sircar.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, I beg to move the motion which stands in my name:

"That this Assembly do place upon record an expression of its deep sorrow on the death of His Late Majesty King George V, Emperor of India, and of its heartfelt sympathy with His Majesty King Edward VIII, Emperor of India, and Her Gracious Majesty Queen Mary in their grievous loss, and do convey to His Majesty loyal congratulations upon his accession and an assurance of devotion to His Royal Person."

The sudden removal from our midst of His Late Majesty has evoked such deep, genuine and spontaneous marks of respect and grief, so profound and universal has been the sense of loss which has fallen on his people, and which has found its echo in all parts of the World that I must ask for the generous indulgence of Honourable Members if I fail to give adequate expression to the great qualities that His Late Majesty always showed during the 25 years of his reign.

The late King carried with singular dignity and sympathy his manifold activities in matters social, political and economic.

His active and genuine sympathy, with the wants, aspirations, ambitions and sufferings of his people, the discarding with a firm hand all partisanship in controversies, his detachment from all

DEATH OF HIS LATE MAJESTY KING GEORGE V AND CONGRATULATIONS TO HIS MAJESTY KING EDWARD VIII. 3

parties coupled with his anxious concern for the common interest of all, his meticulous care for strict adherence to constitutional and traditional proprieties, explain in a large degree the confidence, loyalty and affection which he so eminently succeeded in winning from the people. With his dying breath the King had enquired how the Empire was going—and concerning the Indian Empire we know with what painstaking and sympathetic concern he kept himself cognisant of the proceedings of Commissions on the Indian affairs, the Round Table Conferences, the deliberations of the Joint Parliamentary Committee, and the subsequent debates in the Houses of Parliament.

His abiding and deep interest in all affairs of the Empire, and his power and influence for good, which he exercised in innumerable ways, with judicial temper and broad sympathy, the magical charm of his personality and his broad-minded humanity, his sincerity of purpose and sense of duty, made him a pillar of strength during all these years.

During his reign, the world has passed through long and acute convulsions, dynasties have tumbled down, forms of Government untried and unknown before have come into existence, ideas, traditions and beliefs regarded as cardinal, fixed and immutable, in matters political, social and economic have all been in the melting pot—but the Crown has emerged with greater strength, in spite of the critical and destructive times through which we have passed and which are not yet over.

The reign of the late King covers a period of the greatest activity and of momentous changes.

The development of long-distance telephone and the wireless, the conquest of air, improvement in machinery, advance of science which has annihilated time and distance, the greatest war known in history, its terrible aftermath, the broadening of the democratic base, in some parts of the World, and its extinction in others, the emancipation of women, the most terrible and prolonged economic slump that the world has known—have shaken the world in every sphere of its life. It is only the personality and the character of the late King which have not only saved the Crown in England from being weakened, but in fact has added strength and lustre to it.

We get constant reminders that in the midst of life we are in death, and I may remind this House of the broadcast message given by the King during the celebration of his Jubilee, which event, like his visit to this country, evoked magnificent response from the people.

He said:

"I dedicate myself anew to your service for the years that still be given me."

But, to our great sorrow, Providence has ordained that he should be called to his rest within a lamentably short period after the repetition of his assurance to his people.

I ask this House to join in the condolences which we offer to His Majesty the expression of our deepest sympathies to Queen Mary, who throughout the reign of the late King increased his power and influence for good in a thousand ways.

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[Sir Nripendra Sircar.]

I ask this House to add to these condolences, its congratulations to His Majesty King Edward the VIII.

As Prince of Wales he showed early in his life his sincere desire and effort for being qualified to take the burdens which have now fallen on his shoulders, by the great interest he has taken in all activities in connection with the Empire, by his travel to its various parts and by his anxious desire to get first-hand knowledge of the problems on which it will now be his lot to bring his judgment, influence and power for helping in their solution.

The promise given by his life up to his accession to the throne last month, enables this House to assure him, that it firmly believes and confidently hopes, that in discharging the heavy burden of responsibilities of a Constitutional Monarch, he will acquire no less renown than that of his illustrious father.

Sir, I move.

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

"That this Assembly do place upon record an expression of its deep sorrow on the death of His Late Majesty King George V, Emperor of India, and of its heartfelt sympathy with His Majesty King Edward VIII, Emperor of India, and Her Gracious Majesty Queen Mary in their grievous loss and do convey to His Majesty loyal congratulations upon his accession and an assurance of devotion to His Royal Person."

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadian Rural): Mr. President, I rise to join the Leader of the House in the motion that he has moved concerning the death of his late Majesty the King-Emperor. This is hardly an occasion on which it would be appropriate to scan too closely the terms of a Resolution of this nature. The late Majesty, who, in the biblical phrase, died full of years and honours, was perhaps one of the most fortunate of men. He saw the rise before him of two generations of children and grandchildren brought up in happiness and harmony, which is unequalled in the annals of royal houses. Of him as a king (reference to which the Leader of the House has made), I should like to add what my friend, Sir John Simon, only about a week ago said:

"In private life, he was a model of personal conduct, just as in public he was a model of constitutional monarch. In years gone by, the kings of England exercised great personal power. Today when the British Crown has adapted itself completely to the growth of democratic government, this power has disappeared, for the King always acts on the advice of his ministers who are themselves responsible to Parliament."

The reign of his late Majesty, I may be allowed to say, has marked, so far as this country is concerned, a distinct and a higher sense of national consciousness and a sense and desire to attain the same freedom in this land for the children of the soil that every Englishman would desire in his own. And I have not the smallest doubt that the royal successor of his late Majesty, the first English gentleman of the Realm, freedom-loving as the race claims to be, could desire and wish no less than ourselves that we should achieve what we have come to be conscious of and desire and strive to achieve. In the death of his late Majesty, we are reminded, if a reminder were necessary, of the one great certitude of human life, that death is not a mere contingency, but is a certainty of human existence, and when

that event occurs, in the words of the English poet, "the sword, the scythe and the spade shall in the dust be equally laid", and in that spirit of universal equality and in the face of the Great Leveller, we naturally pray that his soul may have abiding peace and that his Royal Successor may have strength to carry on the work and shoulder the responsibility of the great heritage which has come to him in due course of devolution.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadian Urban): Mr. President, I have the privilege to associate the Independent Party with the Resolution that has been moved by the Leader of the House. So much has been said of the late King-Emperor that it is rather difficult to find something new, but it can truly be said that the late King left the system of monarchy more deeply rooted in the soil of England than ever before. During the twenty-five years of his reign, he ever remained a constitutional monarch, ready to give advice, sympathy and effective direction whenever called upon to do so. He may truly be described as the most influential, the most powerful, the most effective, not only King, but servant of the Empire. Mr. President, when one looks back upon English history of the last few years, one cannot but recall one incident which brought to the notice of the world,—not only of England,—the great power and influence that a constitutional monarch can exercise. At a time of great crisis, and that was quite lately, when he found his Government in difficulties he did not hesitate, although a constitutional monarch, to use the great influence and the great power he had as a King to insist upon a National Government. It was due to the King, and due to him alone, that the present National Government came into existence. It was due to his powers of persuasion, to the great love and respect in which he was held by his ministers and his people, that men came together which a month before one would have thought impossible. Mr. President, throughout Europe, not only in England, there has been genuine sorrow, and when one comes to enquire why there should be an expression of this grief throughout the world one cannot but come to the conclusion that it was due to the fact that Europe realised that in the King of England they had a factor for peace, and his sudden removal gave rise to apprehensions and fears. But let us pray and hope that those apprehensions will be groundless and that His Majesty King Edward VIII will continue in the footsteps of his father and remain a factor for peace, giving out in ample measure his sympathy, his assistance and his co-operation to every part of the Empire. I desire once again to associate myself and my Party with the Resolution that has been moved by the Leader of the House.

Mr. M. S. Aney (Berar Representative): Sir, I desire to associate myself and my Party with the sentiments expressed on the floor of this House by those who spoke before me in support of the motion moved by the Honourable the Leader of the House. It is not given to everyone to know the King personally, but it is enough for me to be convinced of the greatness of the King and the goodness of the King from the fact that those who had opportunities to know him intimately are unanimous in declaring that he had magnetic qualities to keep the conflicting elements in the Empire in a spirit of harmony at a critical time. The qualities of a king who has actual power of

[Mr. M. S. Aney.]

ruling can be seen and understood, but kings who are really guided by ministers can maintain their respect only by personal qualities of a high order, the qualities which constitute what we call the qualities of a gentleman. When a king wields despotic powers, he can enforce obedience, but when a king does not hold those powers and yet he is respected, it evidently means he has those great moral qualities which alone entitle a man to the respect and admiration of the world. It is quite clear from the universal tribute that has been paid to the King that King George V had these qualities in abundance. That is bound to elicit our admiration, and I, therefore, join in adding my humble tribute to the revered memory of the late King. I am sure, his Royal Successor has very high and noble traditions to follow, traditions which have been handed down to him from three generations—his great grandmother of revered memory, his grandfather and his illustrious father. With these high traditions before him, we can confidently hope for a successful career for him in the future.

Sir Leslie Hudson (Bombay: European): Mr. President, the whole Empire mourns the death of a beloved Sovereign, and into this universal grief politics and political differences cannot intrude. The affection and respect which we felt for King George were shared equally by us all in whatever part of the House we sat and whatever label we attached to our particular views, for seldom, if ever, has it been given to an Empire to be ruled over by a Sovereign who was loved by all and feared by none. Those feelings which spring from our hearts today are not the empty feelings inspired by convention, they spring from a sincere emotion evoked by the character and life of "the best, the gentlest and the most beloved of Kings". Throughout his life King George was animated by the thought that he was called upon by Providence to be the head of a great family of nations, and as such he entered fully into the life of his people, sharing their griefs and sorrows, their joys and their pleasures. We may truly say of him as it was said of his Royal father: "He loved his people at home and over the seas. He had no self apart from them."

The burden of the Crown was not eased for him by the circumstances of the world during the twenty-six years of his reign. They were twenty-six years during which war, economic depression, and constitutional upheaval followed one another in succession. They were twenty-six years during which other "thrones, principalities and powers" fell and were laid to waste. They were twenty-six years which strained the beliefs and tested the convictions of mankind almost to the point of disillusion. But, Sir, in meeting that supreme challenge, a challenge to the Throne as much as to any other worldly institution, King George never faltered, he remained steadfast, and through all those years of sorrow and anxiety he led his people with serene faith, unshaken courage, a quiet and simple dignity, and above all by love for his people. The Throne of King George did not rest on what has been described as "the brittle framework of convention". It rested on stronger and surer foundations. It rested on the spontaneous affection of his people in all quarters of the globe and it was sustained throughout by their love and admiration for his kingly and human qualities. Thus it is that through an era of violent

change and revolution the Throne, by the grace of God, has emerged unscathed, and is today strengthened and enriched by the memory of a Sovereign whose life was one of constant self-discipline and devotion to the service of God and mankind.

Those of us who know the setting of the late King's country home at Sandringham can picture the taking of the bier from the village Church of Dersingham to the railway station at Wolferton. One can see the slow and sorrowful procession winding through the village roads with no sign of pomp, no lines of troops with arms reversed, but between thin lines of sorrowing people standing in the snow, the late King's tenants, his servants and dependants and humble folk from the nearby villages. Some of them would have known His Majesty since his boyhood's days and all of them would have regarded him not merely as their King but as the Lord of the Manor, their Squire, their employer, and their personal friend. That is not so very remarkable. What to my mind, and I feel sure to the mind of many of us here, is most remarkable is the spontaneous outburst of personal grief exhibited throughout the whole of India. The high, the middle, and the low have shown in that unanimous gesture of sorrow that he was truly the personal King and friend of each of them. That I think is wonderful for they had not that opportunity of personal contact that those to whom I have referred have had for many years and it seems to me to add poignancy to the opening words of His Majesty's broadcast only a few short weeks ago when he began by addressing all of us, his subjects, as "My friends".

At this time the deep sympathy of our hearts goes out to the loneliness which Her Majesty the Queen Mother must now be suffering. As his gracious Consort, she shared and reinforced the high ideals of King George, and, by her example, has shown that Monarchy exists to minister to others and not to be ministered unto.

Our heartfelt sympathy goes out also to His Majesty the King-Emperor who ascends the Throne at so critical a time in the history of India and the world. We can only pray in all sincerity that he may be sustained and inspired in the high station to which he has been called by the example and memory of his Royal father and the assurances of the constant allegiance and affection, the unswerving and unceasing loyalty of his subjects which he already commands in such full and generous measure. He inherits a throne about which neither enmity nor resentment linger, a throne set fair in the hearts of men by the gracious memory of the kingly personality of the late King-Emperor.

We mourn the passing of a great king, a wise ruler, and a firm friend; and as we reflect upon the years during which, by the grace of God, he was set over us, we call to mind those noble lines:

"Now is the stately column broke,
The beacon light is quenched in smoke,
The trumpet's silver voice is still,
The Warder silent on the hill!"

Our feelings today cannot, however, be feelings of sorrow only. The good which the Great King George V has by the blessing of God wrought in the Empire over which he reigned will continue to

[Sir Leslie Hudson.]

live after he has died, to live in the hearts of those we love is not to die. The tradition of goodness to mankind which he inherited from his great predecessors Queen Victoria and King Edward VII will not now cease but will continue—in the hands of His Gracious Majesty King Edward VIII to benefit in their public and private lives all loyal subjects of our Empire.

Mr. President (The Honourable Sir Abdur Rahim): Before putting the question I wish to say that I fully share the feelings of profound sorrow which have been so movingly expressed from different sections of this Assembly on the death of His Late Majesty King George V, Emperor of India, and I join with the Honourable Members in offering our heartfelt sympathy to Her Gracious Majesty Queen Mary, to His Majesty the King, Emperor of India, and to the Royal Family in their grievous loss.

His Late Majesty was a wise and kindly ruler, much beloved of his subjects no less in India than in the other parts of his Empire. He had constantly in mind the welfare and happiness of his peoples and his heart always went out in sympathy to those who were the victims of adverse circumstances and misfortunes. On this occasion, one cannot fail to recall His Late Majesty's visit to India in 1911 and the memorable hope-inspiring message of sympathy with our aspirations, which he sent to us through His Royal Highness the Duke of Connaught in February 1921.

I associate myself with the Honourable Members in offering our respectful congratulations to His Majesty King Edward VIII, Emperor of India, on his accession to the Throne, with an assurance of our loyalty and devotion, and we feel confident that His Majesty will carry to a still higher level of statesmanship the high traditions of His illustrious House; and we hope and pray that he may live long, and that during his beneficent rule India may grow in prosperity and power from day to day.

The question is:

"That this Assembly do place upon record an expression of its deep sorrow on the death of His Late Majesty King George V, Emperor of India, and of its heartfelt sympathy with His Majesty King Edward VIII, Emperor of India, and Her Gracious Majesty Queen Mary in their grievous loss and do convey to His Majesty loyal congratulations upon his accession and an assurance of devotion to His Royal Person."

The motion was adopted by the Assembly standing.

Mr. President (The Honourable Sir Abdur Rahim): I take it that it will be the desire of the House that the questions on today's List of Business should stand over till tomorrow and that the motions for the adjournment of the business of the House of which I have received notices should also stand over till tomorrow; and I shall waive any objection that may arise on account of any of these motions not being moved today as a mark of respect. It will be my duty to see that the message of condolence is conveyed to His Majesty in due course. As a mark of respect to the memory of His Late Majesty, I adjourn the Assembly till eleven of the clock tomorrow.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 4th February, 1936.

LEGISLATIVE ASSEMBLY.

Tuesday, 4th February, 1936.

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

MEMBER SWORN.

Sir Darcy Lindsay, Kt., C.B.E., M.L.A. (Bengal: European).

QUESTIONS AND ANSWERS.

LEVY OF EXCISE DUTY ON PALMYRA SUGAR.

1. ***Pandit Krishna Kant Malaviya**: (a) What duty under sub-section (1) of Act XIV of 1934 has been fixed by the Governor General in Council on palmyra sugar?

(b) Has any enquiry been made about the production of Palmyra sugar and, if so, what is the result of the enquiry?

(c) Are Government aware that five lakh maunds of Palmyra sugar is annually manufactured in Madras Presidency?

(d) Why has no excise duty been levied so far?

(e) Are Government prepared to see that this loss of revenue is stopped immediately?

Mr. A. H. Lloyd: (a) None.

(c) The average annual production in the Madras Presidency during recent years is understood to be between two and three hundred thousand maunds.

(b), (d) and (e). An enquiry was made last year. The Governments concerned were of opinion that the imposition of an excise duty on palmyra sugar would probably result in the extinction of the industry and this would throw a large number of workers out of employment. The position will be reviewed when figures of production during 1935 become available.

Mr. Lalchand Navalrai: May I know if there are any other sugar factories which do not pay this excise duty?

Mr. A. H. Lloyd: Yes, Sir. If a reference is made to the Act, it will be seen that smaller factories are exempted.

Mr. Lalchand Navalrai: May I know if these palmyra sugar factories are Indian concerns, or are they any other?

Mr. A. H. Lloyd: To the best of my belief, they are Indian concerns.

Mr. Lalchand Navalrai: Are there any other factories which are not being charged this excise duty which are also Indian?

Mr. A. H. Lloyd: To the best of my belief, they are all Indian. In the ordinary course of events, all, of what I may call cottage industries, are very naturally Indian.

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DUMPING OF WINDOW GLASSES BY JAPAN.

3. ***Pandit Krishna Kant Malaviya:** (a) Has the attention of Government been drawn to the extracts from the Report of the Director of Industries, United Provinces, published in the *Leader* of December 22nd, 1934, regarding the "dumping" by Japan of window glasses in this country?

(b) Are Government aware of the fact that window glasses are made at Bahjoi, which is said to be the only window glass manufacturing factory in Asia, excepting Japan?

(c) Are Government prepared to take steps to save this Indian industry from Japanese competition?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Yes, Sir, but Government have no reason to believe that Japan is dumping.

(c) The Honourable Member's attention is directed to the decisions of Government contained in paragraphs 3 and 4 of the Government of India, Department of Commerce, Resolution No. 458-T(14), dated the 22nd June, 1935. These decisions were taken after full consideration of all the relevant factors.

Mr. Lalchand Navalrai: May I know if there is any tariff bar or tariff wall against Japan in the matter of importation of glass?

The Honourable Sir Muhammad Zafrullah Khan: There are duties.

Mr. Lalchand Navalrai: Are there any duties to protect the Indian glass factories?

The Honourable Sir Muhammad Zafrullah Khan: The decision of the Government with regard to the protection of the glass industry is contained in the Resolution to which I have already referred.

Mr. Lalchand Navalrai: Will the Honourable Member please enlighten me about the Resolution?

The Honourable Sir Muhammad Zafrullah Khan: With your permission, Sir, I shall read out the Resolution:

"In response to the representations of certain glass manufacturers in India the Government of India in their Resolution in the Department of Commerce, No. 458-T(2), dated the 20th October, 1931, referred to the Tariff Board for examination the claim of

+Withdrawn by the questioner.

the indigenous Glass Industry for protection. The terms of reference directed that the Tariff Board should be guided by the principles laid down in the Resolution adopted by the Legislative Assembly on February 16, 1923, and that it should consider:

- (1) Whether the conditions laid down in the Report of the Indian Fiscal Commission were satisfied in the case of the industry and to what extent, if any, and in respect of what articles or class or description of articles protection should be afforded;
- (2) In what form and for what period protection, if any, should be given; and
- (3) How its recommendations, if any, would affect other industries.

2. The Report of the Tariff Board, which is published today for general information, shows that the Glass Industry has a wide geographical distribution in India and that there are as marked differences in the nature of its products and in the methods of their manufacture as in its location. But whatever differences may exist in these respects, the Report makes it clear that all branches of the industry have a common need for the same raw materials. In Chapter II of its Report the Board, in accordance with its terms of reference, has investigated the natural advantages possessed by the industry with a view to determining whether it satisfies the first condition prescribed by the Indian Fiscal Commission and in particular it has examined the resources of the industry in respect of raw materials. Of these by far the two most important are silica and soda ash, and while the Board is of opinion that ample supplies of the former in the form of sand of sufficiently good quality are available, it has found that satisfactory sources of soda ash are not yet in existence in India and that the industry is dependent on imported supplies. The Board does not, however, consider that this fact in itself invalidates the claim for protection and it finds that the first of the conditions prescribed by the Fiscal Commission is satisfied.

3. The Government of India regret that they are unable to accept this finding. They are of the opinion that the absence of indigenous supplies of a raw material which in the United Provinces, where the Glass Industry is to a great extent concentrated, represents 70-75 per cent. of the total cost of materials and which even at ports of entry represents 30-45 per cent. of that cost, constitutes a disadvantage to the industry which cannot possibly be balanced by any advantages which it possesses in other respects. The Government of India are unable to distinguish the present case from that of the manufacture of electric wires and cables in which the Tariff Board itself held that the absence of indigenous supplies of copper was a fatal obstacle to the grant of protection.

4. At the time when its Report was written, however, the Tariff Board expressed the opinion that supplies of soda ash would in the immediate future be available in this country. The Government of India were therefore reluctant to reject the claim of the industry for protection until it had been ascertained whether or not the anticipations of the Board were likely to be fulfilled. Enquiry has, however, shown that the Board was unduly optimistic and that no adequate source of Indian soda ash has yet been developed. It is possible, however, that a fresh source of supply may be available within the next few years at Khewra and the Government of India do not propose to take a final decision on the claim for protection until the possibilities of this new source have been more fully explored.

5. There are a number of other matters in respect of which the Government of India are unable to accept the Tariff Board's conclusions, but as they do not propose to take a final decision at present, it is unnecessary to discuss these now. In the meantime, until such final decision can be taken, the Government of India have decided to afford the glass manufacturing industry a certain measure of relief by way of rebate of the duty on imported soda ash. The proposed procedure for granting this rebate is as follows:

When a Collector of Customs is satisfied that any consignment or part of a consignment of soda ash imported at his port has been supplied, after the date of this Resolution, to a glass manufacturer for use, within a reasonable period, in the manufacture of glass, he will on the request of the importer pay to the glass manufacturer a refund of the entire duty in the case of soda ash of British or colonial origin and of the excess over 10 per cent. *ad valorem* in the case of other soda ash. The refund will be paid by cheque to the manufacturer or his authorized agent.

This concession will continue for three years at the end of which period, if it appears that a *prima facie* case for protection then exists, a further reference will be made to the Tariff Board."

Pandit Lakshmi Kanta Maitra: May I know if Government have adopted any measure for the protection of the glass industry in India?

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Chair cannot allow any further discussion.

TRAINING OF INDIANS IN GLASS TECHNOLOGY.

4. ***Pandit Krishna Kant Malaviya:** (a) Has the attention of Government been drawn to the recommendation in the Tariff Board's report on the Indian Glass Industry, relating to the need for facilities for research and training in glass technology and to the difficulties experienced by the glass manufacturers in this country owing to lack of adequate provision for the investigation of scientific problems connected with the industry and for the training of Indians for the posts of managers and scientific assistants?

(b) What is the attitude of Government towards the scheme suggested by the Tariff Board, regarding the establishment of a department of glass technology at the Harcourt Butler Technological Institute at Cawnpore, for the training of young men desirous of qualifying themselves for responsible positions in glass factories?

The Honourable Sir Frank Noyce: (a) Yes.

(b) As the Government of India were not satisfied with the claim of the industry for protection and as Technical Education is in any case a provincial transferred subject, they have not accepted the recommendation in question. The question of glass research has, however, engaged the attention of the Advisory Council for Industrial Intelligence and Research, and certain investigations relating to the glass industry are in progress in the Bureau of Industrial Intelligence and Research.

MANUFACTURE OF ARTICLES BY ELECTRICITY.

5. ***Pandit Krishna Kant Malaviya:** With the rapid progress that is being made in the electrification of the country, have Government considered the question of encouraging the establishment in India of major industries that will be able to manufacture articles in the electrical line for the requirements of the Railway and Military Departments?

The Honourable Sir Frank Noyce: I invite the attention of the Honourable Member to the rules for the supply of articles required for the public service, a copy of which is available in the Library of the House. These rules offer encouragement to the establishment of industries in India and permit the grant of price preferences in certain circumstances.

The Indian Stores Department encourages the development of factories manufacturing electrical materials in India by placing orders with them on behalf of the State Railways, the Army and other indenting authorities, and factories manufacturing the following articles of electrical equipment have been encouraged in this way:

- (1) Porcelain insulators
- (2) Copper conductors
- (3) Electric wires and cables
- (4) Electric fans
- (5) Electric lamps
- (6) Electric lighting fittings, and
- (7) Primary cells.

Mr. Lalchand Navalrai: I understood the Honourable Member to say that all electrical articles are not being produced in India and there are some that are being sent for. If that is so, is there any arrangement made for the training of any manufacturers so that they can produce everything? Now that we have got electrical business to such a large extent, why should not such opportunities be created by Government?

Mr. President (The Honourable Sir Abdur Rahim): That is arguing the question.

ENHANCEMENT OF DUTY ON JAPANESE BOTTLES AND PHIALS.

6. ***Pandit Krishna Kant Malaviya:** (a) Will Government be pleased to state if the Rupee-Yen exchange has come down from 120 to 77, or near about?

(b) Is there a specific provision in the Indo-Japanese Trade Convention, giving freedom to the Government of India to counteract the adverse effect of the fall of Yen on an Indian industry?

(c) Do Government propose to take advantage of this provision and enhance the duty on Japanese bottles and phials to save the Indian industry from the cut-throat competition of Japan?

(d) Are Government aware that in the case of bottles, *c. i. f.* price of 16 oz. tincture bottles from Japan is Rs. 9 per gross, against the cost of the Indian manufacturer of Rs. 15-12-2 per gross?

(e) Are Government aware that the present *c. i. f.* price of Japanese 4 oz. phials is Rs. 2-12-0 per gross, while the cost of manufacturing such phials to an Indian factory is Rs. 4-13-0 per gross?

(f) Is it a fact that these facts were brought to light by the Chamber of Commerce, United Provinces, and do Government propose to reconsider their attitude towards the Glass Industry and afford it some protection in order that it may at least exist?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (c). The present rate of exchange is about Rs. 77½ per 100 Yen. The Government of India have the right under Article 3 of the Indo-Japanese Trade Convention to impose such special customs duties on Japanese goods as may be found necessary to correct the effects of any variation of the Rupee-Yen exchange rate after December 31st, 1933, but, as there have been no serious variations in that rate since that date, Government do not consider any action necessary.

(d), (e) and (f). The Honourable Member's attention is directed to the Government of India, Department of Commerce, Resolution No. 458-T(14), dated the 22nd June, 1935. The decisions contained therein were arrived at after taking into consideration all the relevant factors.

SHIPS OF THE ASIATIC STEAM NAVIGATION COMPANY, LIMITED.

7. ***Pandit Krishna Kant Malaviya:** (a) Are Government aware that the Asiatic Steam Navigation Co., Ltd., has 16 ships, 15 of which are cargo steamers and one carries passengers also?

(b) Are Government aware that before the duty was imposed on foreign sugar, the ships of the Company brought more than 50 per cent. of the foreign sugar to this country, but since the time the duty has been imposed, these ships run mostly on Indian coast?

(c) Is it a fact that the passenger-cargo ship runs under Government contract and takes mails and convicts from India and Burma to Andamans and *vice versa*?

(d) Is it a fact that ships of this Company, when commissioned, have four officers on the executive side of the crew, which means that the 16 ships must have 64 officers, but actually 80 men have to be employed in order that extra men might take the place of men who are in "Sick Bay" or on leave?

The Honourable Sir Muhammad Zafrullah Khan: (a) As far as Government are aware, the Company has 18 vessels of which two carry passengers.

(b) and (d). Government have no information.

(c) Yes, the S.S. "Maharaja".

EMPLOYMENT AND TRAINING OF INDIANS BY SHIPPING COMPANIES.

3. ***Pandit Krishna Kant Malaviya:** (a) Is it a fact that the Indian Mercantile Marine Training ship was started by Government in 1927 in order to train Indian youths to become executive officers on Merchant ships?

(b) Do Government propose to instruct the shipping companies which receive their patronage that they should train the Dufferin Cadets and offer them posts of executive officers, when they have duly qualified themselves for the job?

(c) Is it a fact that the Asiatic Steam Navigation Company took two Dufferin Cadets of the first batch and they are now serving as third Mates on two ships of the Company?

(d) Is it a fact that this Company took two Dufferin Cadets from the second batch, and that these two cadets finished their period of training and obtained the second Mates Certificates in order that they may be employed as officers, but the Company told them that it could not employ them owing to the reduction of tonnage?

(e) Are Government aware that the Asiatic Steam Navigation Co., brings out men from Britain under an agreement by which the men have to serve four years at a stretch out-East, after which they are given six months' leave on full pay in Britain, and generally this agreement is renewed as soon as it is completed and the men come back to rejoin the service as soon as their leave is over, and that there is no chance of the employment in the near future of Dufferin Cadets whom the Company has itself trained?

(f) Are Government aware that this Company also trains Anglo-Indians and domiciled European youths, who join the Company as indentured apprentices, and these youths are employed as soon as their period of training is over?

(g) Is it a fact that in spite of the Dufferin Cadets wanting to join this Company as apprentices, this Company never takes more than two Dufferin Cadets, under the plea that they only wish to train as many cadets as they can safely employ? Is it a fact that they do not employ them and at the same time take more than four Domiciled European or Anglo-Indian youths for training every year?

(h) Do Government propose to take any steps to see that Dufferin Cadets get training and are employed by this Company?

(i) Are Government aware of the fact that *ex*-Dufferin Cadets trained by this Company itself have no chance of being appointed before two or three years when some commanders of the ships are expected to retire?

(j) Is it a fact that during the years 1931-32-33 the number of Dufferin Cadets taken for training by the Asiatic Steam Navigation Company was five whereas the Scindia Steam Navigation Co. took 19 Cadets?

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

(b) and (h). It is not within the powers of Government to issue instructions to shipping companies regarding whom they should appoint as officers, but the influence of Government has been constantly used to extend the opportunities of employment of *ex*- "Dufferin" cadets.

(c) Yes, the Company engaged two *ex*- "Dufferin" cadets from the first batch as officers, but Government are not aware whether they are still in the service of the Company.

(d) Yes, the Company took two *ex*- "Dufferin" cadets from the second batch also who have completed their training and obtained their Second Mate's Certificates. Government understand that neither of these cadets has been employed by the Company.

(e), (f) and (i). Government have no authentic information in regard to these matters.

(g) The Company have not so far taken more than two *ex*- "Dufferin" cadets a year as apprentices and have not been able to employ all of them as officers. Government are not aware whether they take other Domiciled European or Anglo-Indian youths for training every year.

(j) While the first Final Passing-out Examination of the "Dufferin" took place in June, 1930, the Examination for the second batch was held in December 1931, with the result that the cadets passing out in 1931 were actually placed with the Shipping Companies for training in 1932. The first three batches of *ex*- "Dufferin" cadets were thus placed with the Shipping Companies in the years 1930, 1932 and 1933 and during these years the numbers of such cadets taken by the Asiatic Steam Navigation Company and the Scindia Steam Navigation Company were 5 and 22, respectively.

Mr. Lalchand Navalrai: With regard to clause (d), may I know whether these two Mates who got certificates were not taken because of the reduction in tonnage?

The Honourable Sir Muhammad Zafrullah Khan: I have no information.

Sir Muhammad Yakub: Are Government aware that the Governing Body of the "Dufferin" is not satisfied with the arrangements for the employment of their cadets, and that the attraction for the cadets to join the "Dufferin" is becoming less and less every day on account of the treatment which is meted out by the shipping companies?

The Honourable Sir Muhammad Zafrullah Khan: If by "treatment meted out by the shipping companies" is meant that a larger number of them have not been employed, it is correct that as a larger number of ex-"Dufferin" cadets have not found employment, it might, to some extent, have discouraged youngsters from taking up that career?

Sir Muhammad Yakub: Will Government consider whether the concessions which are granted by the Government of India to the different shipping companies should not be withdrawn if they do not follow the instructions of Government in the matter of taking more cadets from the "Dufferin"?

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member will point out those concessions to me,—not necessarily on the floor of the House,—I shall certainly be very glad to look into them.

Mr. S. Satyamurti: Is it a fact that only the British India Steam Navigation Company have so far taken four trained officers having Second Mates' certificates on their staff, and that none of the other shipping companies has employed a single Indian cadet trained in the "Dufferin"?

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

Mr. S. Satyamurti: Can the Honourable Member give any information to this House as to how many of these officers trained in the "Dufferin", since it was started, are now employed as officers in ships plying between India and other countries or on the coast?

The Honourable Sir Muhammad Zafrullah Khan: I could not give the information immediately, but if notice is given to that effect, I shall collect and place the information before the House.

EMPLOYMENT OF DUFFERIN CADETS ON THE SHIPS OF THE ASIATIC STEAM NAVIGATION COMPANY, LIMITED.

9. *Pandit Krishna Kant Malaviya: (a) Is it a fact that during 1934-35, the Scindia Steam Navigation Co. took 12 cadets for training and the Asiatic Steam Navigation Company only four, out of which one left on account of alleged bad treatment?

(b) Is it a fact that the percentage of Dufferin Cadets employed by the Scindia Steam Navigation Company and Asiatic Steam Navigation Company works out at 16 and 8.5?

(c) Is it a fact that last year the Scindia Steam Navigation Co. not only employed as officers the Dufferin Cadets whom they themselves had trained, but also three others who could not get employment in the Companies in which they served, viz., P. and O. S. N. Co. and the B. I. S. N. Co.?

(d) Are Government aware that under the present policy of the Asiatic Steam Navigation Company there is very little chance, or no chance, for the Dufferin Cadets?

(e) Are Government prepared to take steps to see that at least those of the Dufferin Cadets, who get training on the ships of the Asiatic Steam Navigation Company, are employed by that Company after they have qualified themselves?

The Honourable Sir Muhammad Zafrullah Khan: (a) No.

(b) I regret I have not been able to follow the Honourable Member's question.

(c) Yes.

(d) Government are not so aware.

(e) No. There is no ground for treating the Asiatic Steam Navigation Company differently from other companies in this matter, and the attempt to bind companies to find employment for all apprentices trained by them could only result in companies restricting the numbers whom they would be willing to train.

Mr. Lalchand Navalrai: Do Government send for a report from these companies every year to see how many cadets they have taken and how far they have progressed? If not, will Government do it?

The Honourable Sir Muhammad Zafrullah Khan: Government have no power to enforce any such direction against the shipping companies.

FIRING BY TROOPS ON PEASANTS IN THE LOHARU STATE.

10. *Pandit Krishna Kant Malaviya: (a) Is it a fact that troops from British India opened fire on the poor peasants in Loharu State?

(b) How did these troops happen to be there? Were they sent there at the invitation of the Nawab?

(c) Who paid the cost of the troops? Has the amount been realized from Loharu State, or is it still due?

Sir Aubrey Metcalfe: (a) No.

(b) Yes.

(c) The cost has been recovered from the State.

RULES FOR LENDING OF INDIAN TROOPS TO INDIAN STATES.

11. *Pandit Krishna Kant Malaviya: Are there some rules or specified conditions according to which Indian troops are lent for services in Indian States? If so, what are they?

Sir Aubrey Metcalfe: No, there are no set rules or conditions. Requests from Darbars of Indian States for military assistance are complied with, if the Political authorities concerned are satisfied as to the need for such assistance.

Mr. S. Satyamurti: Is there any policy laid down by the Government, that the question of sending these troops should be examined in each case, as to whether the need is legitimate, and whether the Government should lend these troops?

Sir Aubrey Metcalfe: That is the substance of my reply. Each request is considered on its merits and decided.

Mr. S. Satyamurti: What are the considerations which Government take into account, before they decide to lend British or Indian troops to Indian States?

Sir Aubrey Metcalfe: I would suggest that the Honourable Member's question is now trenching upon a matter affecting the relations between the Governor General in Council and a prince or chief under the suzerainty of His Majesty.

Mr. S. Satyamurti: The Government of India are responsible to this House for the maintenance and conduct of these troops. When they send out troops, I want to know what are the considerations under which they do so. I want to know whether any considerations are taken on hand, or whether every request is complied with.

Mr. President (The Honourable Sir Abdur Rahim): If the Government Member can give a reply in general terms which does not affect the relations with the State concerned, then he is at liberty to do so. But if he is positive that any reply would affect such relations the Chair cannot help it.

Sir Aubrey Metcalfe: I am afraid, Sir, that it is impossible to give any general reply as to policy beyond what I have already given, which is that each case is carefully considered upon its merits before any troops are sent to the assistance of an Indian State.

Mr. S. Satyamurti: May I take it that every time a ruler wants troops sent, whatever his misdeeds may be, they are sent? The people of a State may have just grievances or not, and yet Government troops are sent whatever the merits of the case may be?

Mr. President (The Honourable Sir Abdur Rahim): That is arguing.

Sir Cowasji Jehangir: Who pays the cost?

Sir Aubrey Metcalfe: The cost is paid by the State as it has been in this case.

GRANT OF AN ALLOWANCE TO LABORATORY ASSISTANTS IN THE INDIAN MILITARY HOSPITALS.

12. *Pandit Krishna Kant Malaviya: (a) Is it a fact that laboratory assistants in the Indian military hospitals have to pass a special examination to qualify themselves for laboratory assistant surgeons?

(b) Is it a fact that all along they were told that they would get higher pay and some allowance?

(c) Is it a fact that every single person in the laboratory from the officer in charge to the lowest menial, except the laboratory assistant, gets an allowance? If so, are Government prepared to remove this anomaly and grant some allowance to those hard worked assistants?

Mr. G. R. F. Tottenham: (a) Yes.

(b) No, Sir.

(c) The position generally is as stated by the Honourable Member. The question of the grant of an allowance to sub-assistant surgeons employed in laboratories has twice been considered by Government in recent years, but has not been proceeded with owing to lack of funds.

ORDERS REQUIRING NURSING ORDERLIES TO JOIN THE RESERVE.

13. *Pandit Krishna Kant Malaviya: (a) Is it a fact that orders have been promulgated from the Army Headquarters that those nursing orderlies, whose services range from 6 to 11 years, should join the reserve, should give up their present job and agree to be in reserve at Rs. 2 per month?

(b) Is it a fact that this order is accompanied by a threat that if these poor orderlies do not consent to join the reserves, their services will be dispensed with?

Mr. G. R. F. Tottenham: (a) and (b). Since 1929 nursing orderlies of the Indian Hospital Corps have been enrolled for five years' colour service and 15 years' reserve service. Some of them, like those referred to by the Honourable Member, have been allowed to extend their colour service by periods of two years at a time. They cannot claim such extensions as of right and are liable to be transferred to the reserve at any time. The pay of a reservist is Rs. 4 per mensem and not Rs. 2 per mensem as stated in the question. Up to 1929 nursing orderlies were enrolled for three years, without any liability for reserve service. Some of these orderlies also have been allowed extensions of service; but these extensions are liable to be terminated at any time. The conditions of service are fully explained to every individual before enrolment.

REMOVAL OF THE RAILWAY DIVISIONAL OFFICE FROM ALLAHABAD TO CAWNPORE.

14. *Pandit Krishna Kant Malaviya: (a) Is it a fact that Government are seriously considering the removal of the Railway Divisional Office from Allahabad to Cawnpore?

(b) Is it a fact that Railways have been running at a loss these days and that economy is most needed?

(c) Is it a fact that the removal of the Divisional Office to Cawnpore means an expenditure of about 10 to 15 lacs, and that if the Divisional office is allowed to remain at Allahabad and even new buildings are wanted, they can be erected at an expenditure of say two or three lacs only?

(d) Is it a fact that Allahabad is a healthier place as compared to Cawnpore?

(e) Is it a fact that the United Provinces Secretariat has been removed to Lucknow from Allahabad and have Government considered that the huge Secretariat buildings can be utilized by the Railway authorities, if necessary?

(f) Is it a fact that if the Divisional office is removed from Allahabad, the Government bungalows occupied by the officers will not fetch the rent they are fetching now and would mean an extra loss to the Railways?

The Honourable Sir Muhammad Zafrullah Khan: (a) No such proposal has been received by Government but it is understood that the removal of the divisional office from Allahabad to Cawnpore has been under consideration by the Agent, East Indian Railway, for some time.

(b) The net earnings of railways are at present insufficient to meet the full interest on their capital.

(c) It is believed that the cost of the move would be about ten lakhs. Government have no information of the cost of the new buildings that may be required if the divisional headquarters remain at Allahabad.

(d), (e) and (f). Government have no definite information on these points.

IMPORT OF SUGAR THROUGH KATHIAWAR STATES.

15. ***Pandit Krishna Kant Malaviya:** (a) Has the attention of Government been drawn to the reports which have appeared in the press stating that during 1934-35, 1,43,000 tons of sugar which left Java for India, had not been shown in the British Indian statistics, and that of this quantity 1,08,000 tons were recorded to have entered India through the Kathiawar ports and 40,000 tons of sugar is unaccounted for?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state what steps they propose taking to find out what has happened to these 40,000 tons of sugar?

(c) If the answer to part (a) be in the negative, do Government propose to have an enquiry made as to how the revenue of India has been affected by the entry of the above sugar in India and what steps are necessary to prevent the same in future?

(d) Is it a fact that whereas Government had estimated the import of sugar from Java during the whole year to be 90,000 maunds, so much as 40,000 tons of sugar from Java was imported during the months of April, May and June? What steps do Government propose taking to prevent such excessive import?

(e) Are Government aware that various States in Kathiawar are giving rebates in duty to importers of Java sugar? If not, are Government prepared to have an early enquiry made to find out which and how many of these States are giving rebates in duty?

(f) What is the extent of the loss which British India suffers by such import of sugar through Kathiawar ports and what steps do Government propose taking to prevent the same?

(g) Are Government aware that some prominent merchants in Bombay are carrying on a huge profitable business in sugar as a result of the rebates allowed to them from some Kathiawar ports? If so, what is being done to prevent this in future?

The Honourable Sir James Grigg: (a), (b) and (c). The Government of India have not seen the press reports to which the Honourable Member refers but they are aware that there is a difference between the amount of sugar stated to have been exported for India from Java during 1934-35 and the imports recorded in the Indian trade returns. The reasons for this difference are being investigated, but I would point out that the Java statistics include shipments to the foreign settlements in India as well as to other non-British-Indian ports, imports into which are not included in the Indian trade statistics.

(d) The Budget Estimates for 1934-35 were based on an estimated import of approximately 113,000 tons of sugar from all sources and the normal share of Java in such imports is about 75 per cent. The actual imports from Java during the first three months of the year amounted to 37,000 tons. As the Honourable Member is aware, a high protective duty is already levied on imports of foreign sugar and the fact that the revenue from this source is not declining at quite as rapid a rate as was anticipated does not of itself constitute a reason for taking any further steps.

(e), (f) and (g). I would refer the Honourable Member to the replies which I gave to the supplementary questions asked by Mr. Satyamurti on the 13th of September, 1935, in connection with his question No. 336.

Mr. S. Satyamurti: May I know if Government are now aware of the extent of loss up to date by the import of sugar through Kathiawar ports?

The Honourable Sir James Grigg: I am not quite sure I understand the question. Obviously, if sugar is imported even for consumption in the Kathiawar States, not through a British Indian port, we incur a loss of revenue on it. I have a general idea of the loss of revenue involved, but I cannot give it at all exactly. It is very serious of course.

Mr. S. Satyamurti: May I know, Sir, what is the definite answer to clause (g) of the question, whether some prominent merchants in Bombay are carrying on a huge profitable business in sugar, as a result of the rebates allowed to them from some Kathiawar ports?

The Honourable Sir James Grigg: That assumes that there are rebates.

Mr. S. Satyamurti: Are Government taking any steps, Sir?

The Honourable Sir James Grigg: Yes, Sir.

Mr. S. Satyamurti: What are they?

The Honourable Sir James Grigg: I will make a statement as soon as I can. I hoped to do so before now, but unfortunately I am not able to do so.

ALLOTMENT TO CENTRAL PROVINCES AND BERAR OUT OF THE RURAL DEVELOPMENT GRANT.

16. ***Mr. Ghanshiyam Singh Gupta:** (a) Will Government please state the amount allotted to Central Provinces and Berar out of the Government of India grant of Rs. one crore for Rural Development?

(b) What is the basis followed in distributing the allotment?

(c) Have Government given any instructions to the various provincial Governments regarding the way in which those grants should be utilised?

(d) Are Government prepared to see that at least a decent portion of the grant is handed over to the District Councils to be spent in their respective areas for water supply and medical relief?

(e) Are Government aware of the urgent demand and great importance of consolidation of holdings in the Chhatisgarh Division of the Central Provinces, and are they prepared to advise the Central Provinces Government to spend a portion of the amount for that purpose?

(f) Are Government aware of the great scarcity of water for drinking and *nistar* in Chhattisgarh, that the same can be made available in many villages at a moderate cost, and are they prepared to advise the Central Provinces Government to spend a decent sum for this purpose in Chhattisgarh?

The Honourable Sir James Grigg: I would invite the attention of the Honourable Member to the statement laid on the table of the House on the 6th September, 1985, in reply to starred question No. 162 by Mr. Basanta Kumar Das. Copies of the statement were also circulated to all the Members of the House.

Mr. Ghanshiyam Singh Gupta: Is any portion of that money given to District Councils?

The Honourable Sir James Grigg: The Honourable Member can see that if he looks under "Central Provinces" in the memorandum.

ABSENCE OF MUSLIM SUPERINTENDENTS IN THE ARMY HEADQUARTERS.

17. ***Mr. K. L. Gauba:** (a) What is the total number of Superintendents in the Army Headquarters?

(b) Is it a fact that the number of Superintendents is about 55?

(c) Is it a fact that not a single Superintendent is a Muslim?

(d) Is it a fact that Sikhs, Parsis and Hindus are represented in the cadre of Superintendents and not Muslims?

Mr. G. R. F. Tottenham: (a) and (b). 55, but two of these appointments are at present held in abeyance.

(c) and (d). Yes. One Muslim is now officiating as a Superintendent.

MUSLIM UPPER TIME-SCALE ASSISTANTS IN THE ARMY HEADQUARTERS.

18. ***Mr. K. L. Gauba:** (a) What is the number of appointments in the upper time-scale for First Division in the Army Headquarters?

(b) Is it a fact that only one, out of 30, is a Muslim?

Mr. G. R. F. Tottenham: (a) 29.

(b) No. There are two Muslims.

MUSLIM ASSISTANTS IN THE ARMY HEADQUARTERS.

19. ***Mr. K. L. Gauba:** (a) What is the total number of appointments in the First Division lower time-scale appointments in the Army Headquarters?

(b) Is it a fact that, out of fifty appointments, only six are Muslims?

Mr. G. R. F. Tottenham: (a) 156.

(b) No. Twelve are Muslims.

APPOINTMENT OF MEMBERS OF MINORITY COMMUNITIES TO THE POSTS LIKELY TO BE CREATED IN THE FOREIGN AND POLITICAL DEPARTMENT.

20. ***Mr. K. L. Gauba:** (a) Are Government at present considering, in view of the impending reforms, the conversion of the appointment of additional Deputy Secretary (Finance), Foreign and Political Department into a higher post and in this connection to create an additional post of Under Secretary (Finance)?

(b) Do Government intend to appoint officers from South India to these two posts?

(c) Are Government aware of the practically total absence of any members of the minority communities from the important financial posts at the Headquarters of Government, and are they prepared to consider, if suitable officers from such communities be available, to appoint to the two proposed posts, when created, members of the minority communities?

(d) Are Government aware that their policy of practically restricting selection to these posts to officers belonging to one part of the country, has given rise to dissatisfaction amongst other officers of all communities, who feel that their claims are seldom properly considered?

Sir Aubrey Metcalfe: (a) No decision has yet been reached as to the precise reorganisation to be made in connection with the impending Reforms.

(b) and (c). Communal and provincial considerations are not taken into account in making appointments to these posts which are filled strictly by selection after consideration of the merits of individual officers.

(d) No.

CERTAIN POSTS UNDER THE FINANCE DEPARTMENT HELD BY SOUTH INDIAN BRAHMS.

21. ***Mr. K. L. Gauba:** (a) Is it a fact that the following posts under the Finance Department are held by South Indian Brahmins:

- (i) Financial Commissioner, Railways,
- (ii) Director of Finance, Railways,
- (iii) Controller of Railway Accounts,
- (iv) Financial Adviser, Posts and Telegraphs,

- (v) Deputy Secretary (Finance), Foreign and Political Department,
- (vi) Deputy Financial Adviser, Military Finance, and
- (vii) Budget Officer, Finance Department?

(b) Are Government prepared to consider, when vacancies occur in these offices, the question of appointing non-South Indian officers to some of these posts?

(c) If the reply to part (b) be in the negative, are Government prepared to state that no suitable officer is available among non-South Indian officers for appointment to these posts?

(d) Are Government aware of the feeling amongst these officers that this preponderance of one section of the officers leads generally to further appointments to these posts of officers belonging to South India?

The Honourable Sir James Grigg: (a) (i), (ii) and (v) to (vii). Yes.

(iii) and (iv). No.

(b) Communal and provincial considerations are not taken into account in making appointments to these posts which are filled strictly by selection after consideration of the merits of individual officers.

(c) Does not arise.

(d) No.

Mr. S. Satyamurti: Sir, I do not put my question No. 22.

†22.*

SYSTEM OF SINGLE NON-TRANSFERABLE VOTES IN THE PLURAL CONSTITUENCIES IN MADRAS.

23. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their attention has been drawn to the recommendation of the Madras Provincial Delimitation Committee, accepted by the Local Government, to the effect that in the plural member constituencies, including seats for the Harijans, the system of single non-transferable votes finds a place;
- (b) whether Government are aware of such a system in any other country;
- (c) whether Government have considered that the adoption of this system means the creation of separate electorates in the so-called joint electorates;
- (d) whether Government have considered that this system goes against the spirit, if not the letter, of the Poona Pact, to which His Majesty's Government is a party;
- (e) whether Government have considered that this system deprives the voter of as many votes as he should have as there are seats for which elections are to take place; and
- (f) whether Government will consult the opinion of this House, and place it before the authorities concerned, before the final decision is taken?

†Not put by the questioner.

The Honourable Sir Nripendra Sircar: (a) Yes.

(b) Government are not aware of any country where conditions exist similar to those prevailing in Madras.

(c), (d) and (e). The assertions made are expressions of opinion and Government are unable to comply with the demand for expression of their opinion, particularly because the question of the adoption of the single non-transferable vote for election under the new constitution is specifically included in the terms of reference given to the Indian Delimitation Committee and their Report has not yet been published.

(f) Government do not propose to consult the House on this matter so far as it relates to Provincial Legislatures. But in so far as it may be found to relate directly to the composition of the Federal Legislature the Honourable Member will have the opportunity of discussion which I have fully described in the answer given on the 10th September, 1935. to his question No. 228 (c).

Mr. S. Satyamurti: In elucidation of the last answer of the Honourable the Law Member, may I ask him whether Government will give an opportunity to this House, to discuss the proposals for election to the Provincial Legislatures in so far as those Legislatures are made constituencies for indirect election to the Federal Lower House?

The Honourable Sir Nripendra Sircar: I am afraid I am not in a position to make any further statement; but if my Honourable friend will put down a question, I will not ask for the usual notice—I shall answer it at short notice.

Mr. S. Satyamurti: With reference to the answer to clause (b) of the question, may I know whether, apart from similarity of conditions, Government are, as a matter of fact, aware of such a system of single non-transferable vote, in any civilised country in the world?

The Honourable Sir Nripendra Sircar: Part (b) is whether Government are aware of such a system in any other country.

Mr. S. Satyamurti: That is in plural member constituencies.

The Honourable Sir Nripendra Sircar: Yes; but that goes with part (a). In any case, the answer is "no".

Mr. Lalchand Navalrai: Will the Honourable Member enlighten this House if Government have laid down any definition of "Harijan" in each province?

The Honourable Sir Nripendra Sircar: Will the Honourable Member kindly enlighten me as to how it arises from this question?

Mr. Lalchand Navalrai: The Honourable Member will see that this question requires answers affecting the Harijans, therefore I put it.

The Honourable Sir Nripendra Sircar: I leave it to the Chair to decide whether it arises or not.

Mr. President (The Honourable Sir Abdur Rahim): In part (a) of the question, it is said "including seats for the Harijans".

The Honourable Sir Nripendra Sircar: Government have given no definition of Harijans; but in the schedules, the Harijan castes are specifically mentioned as to who they are: they are long documents, and my friend can read them.

CIRCULAR RE SUPPORT TO EMPIRE SHIPPING.

24. ***Mr. S. Satyamurti:** (a) Will Government be pleased, to state whether it is a fact that they have issued a circular to all Local Governments and Administrations, asking them to advise the municipalities and local bodies under them to import the materials and goods required by them in Empire vessels, in order to assist and support Empire shipping?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether such a circular was issued by them in response to the suggestion of Mr. Runciman, the President of the Board of Trade to the Secretary of State or the Government of India to help British shipping at the present time?

(c) Will Government be pleased to state whether under the existing circumstances, support to Empire shipping in the overseas trade of India does not mean support to British shipping only?

(d) Will Government be pleased to state whether Indian shipping has any share in such overseas trade of India and if so, what is that share?

(e) Will Government be pleased to state whether they, or the people of India, receive or will receive any *quid pro quo* for the preference shown to Empire shipping and whether any concession in freights would be given to Indian shippers and merchants?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes. The attention of the Honourable Member is in this connection invited to the reply given on the 13th September, 1935, to starred question No. 369, asked by Pandit Sri Krishna Dutta Paliwal on the subject.

(b) The Honourable Member is referred to the statement made by the President of the Board of Trade in the House of Commons on the 3rd July, 1934, in which he referred to the difficulties experienced by British shipping and stated that it was essential to have the co-operation of the Dominions and India, whose views as to possible lines of action would be sought. It was in pursuance of this statement that the Government of India were addressed on the subject by the Secretary of State. For the sake of clearness, I may add that the term "British shipping" includes Indian and other Empire shipping.

(c) The term British shipping is synonymous with the term Empire shipping and includes all ships wholly owned by British subjects, wherever they are domiciled.

(d) Yes. The information is being collected and will be laid on the table in due course.

(e) India has the same interest as the rest of the British Empire, both in peace and war, in the well-being of Empire shipping, and the question of the grant of any special concession does not arise.

Mr. S. Satyamurti: With reference to the answer to clause (c) of the question, may I take it that, today so far as the facts go, this preference simply means British shipping, and so far as passenger service goes, only the P. & O.?

The Honourable Sir Muhammad Zafrullah Khan: I have already replied to that question.

Mr. N. M. Joshi: May I ask Government whether, in giving preference to Empire shipping, they will insist that those parts of the Empire will not prohibit Indian seamen being employed on their ships?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I am unable to follow the question.

Mr. N. M. Joshi: My question is, wherever Government gives preference to the shipping of the dominions and colonies and Great Britain, whether Government insist that there should be no prohibition of the employment of Indian seamen on the ships of those dominions.

The Honourable Sir Muhammad Zafrullah Khan: What preference have Government given which the Honourable Member refers to?

Mr. N. M. Joshi: You are recommending to Local Governments and administrations that their goods should be brought by Empire shipping; and, if you are giving them some concession, I want to know whether you insist upon Indian seamen being employed on their ships?

The Honourable Sir Muhammad Zafrullah Khan: No concessions are being given.

Mr. S. Satyamurti: With reference to the answer to clause (d) of the question, may I know whether the answer means that today the Indian shipping has no share in this kind of preference, that is to say, the recommendation to local administrations to import goods, they require, being imported by means of Empire shipping?

The Honourable Sir Muhammad Zafrullah Khan: I have said nothing which implies that Indian shipping will have no share in it. I have taken pains to explain that Empire shipping means and includes ships owned by British subjects wherever they might be domiciled.

Mr. S. Satyamurti: But, as a matter of fact, is there any part of Empire shipping which imports these goods which is owned or controlled by Indians?

The Honourable Sir Muhammad Zafrullah Khan: That is to say, are there any ocean-going Indian ships? My reply has been "yes", but detailed information is being collected.

Mr. S. Satyamurti: With reference to the answer to clause (e) of the question, apart from good will and similar phrases, may I know whether, as a matter of fact, in brass tacks, we have received or are receiving any *quid pro quo* for this preference to Empire shipping recommended by the Government?

The Honourable Sir Muhammad Zafrullah Khan: May I submit that Government are not granting any preference to any particular company? There has been a letter to Local Governments and municipalities bringing to their notice the need of using Empire shipping in these matters.

Mr. S. Satyamurti: What is the consideration for it?

The Honourable Sir Muhammad Zafrullah Khan: The consideration is the need of the whole Empire together in their joint interests.

Mr. S. Satyamurti: *Minus* India!

The Honourable Sir Muhammad Zafrullah Khan: Including India.

Mr. N. M. Joshi: May I ask, in view of the fact that the Government of India have issued a circular saying that they should use materials imported by Empire shipping, whether the Government of India will exclude from the circular those dominions whose ships do not employ Indian seamen?

The Honourable Sir Muhammad Zafrullah Khan: No.

Mr. N. M. Joshi: May I ask, why not?

The Honourable Sir Muhammad Zafrullah Khan: There are several Indian companies that do not employ British seamen.

FREIGHT PAID TO THE BRITISH SHIPPING COMPANIES FOR THE IMPORT OF STORES AND MATERIALS.

25. ***Mr. S. Satyamurti:** Will Government be pleased to lay on the table a statement showing the total amount of freight per year paid by them to the British shipping companies for the import of Government and Railway stores and materials and for the carriage of species and bullion on Government account for the last five years?

The Honourable Sir Frank Noyce: The collection of complete information would necessitate a detailed examination of a large number of documents which Government are not prepared to undertake. The only figures readily available are those for the freight paid by the India Store Department, London, and I lay on the table a statement giving these figures.

Statement showing the payment for freight made by the India Store Department, London, to British Shipping Companies during the period 1930-31 to 1934-35. The figures exclude departmental surcharges.

	£
1930-31	229,359
1931-32	87,014
1932-33	40,320
1933-34	27,386
1934-35	30,482

AGREEMENT WITH THE BRITISH INDIA STEAM NAVIGATION COMPANY FOR THE CARRIAGE OF GOVERNMENT AND RAILWAY MATERIALS.

26. ***Mr. S. Satyamurti:** (a) Has there ever been an agreement between the Secretary of State for India and the British India Steam Navigation Co., Ltd., for the carriage of Government and Railway materials between ports on the coast of India?

(b) If so, when and on what terms?

(c) Is it a fact that there was such an agreement, dated the 14th February, 1906, on the subject?

(d) If so, what are the terms of the said agreement and is it still in operation?

(e) Will Government be pleased to lay on the table copies of any such agreements that might have been entered into between the Secretary of State or the Government of India on the one hand and shipping companies engaged in the coastal trade of India on the other for such purpose?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member is referred to the information laid on the table of this House on the 30th August, 1934, in reply to Mr. Gaya Prasad Singh's question No. 599 asked on the 5th April, 1934.

Subsequent to that date a contract for the transport of coal for the Burma Railways from Calcutta to Rangoon during 1935-36 was entered into by the Railway Board with Messrs. Mackinnon Mackenzie and Company. The relevant documents concerning that contract are laid on the table.

GOVERNMENT OF INDIA.

RAILWAY DEPARTMENT.

(RAILWAY BOARD.)

Conditions for Tenders for the transport of coal for State-managed Railways from Calcutta to Rangoon during 1935-36.

1. The quantity of cargo placed on board each steamer at Calcutta is to be decided by two Surveyors—one appointed by the Shippers and the other by the Shipping Company—and should the Surveyors disagree the decision of an Umpire appointed by them to be considered final. The fee of the Umpire is to be paid by the party against whom his decision is given.

2. No range of loading dates will be accepted. The Chief Mining Engineer, Railway Board, will declare about the 15th of each month his programme for the following month stating the number of steamers required and the actual dates on which they are to be ready to commence loading.

Failure on the part of the Tenderers to supply steamers on the dates named will render them liable to a penalty of Rs. 1,000 per running day for every day late.

3. Lay days for steamers loading in Kidderpore Docks and discharging at Rangoon combined to be on the basis of 21 weather working days—Sundays and Holidays excepted—for a 7,500 tons steamer subject to proviso regarding discharge contained in Clause 7. Delivery to be commenced and taken at the Port of discharge after the steamer is ready in every respect to discharge and after the usual twentyfour hours' notice has been given.

Lay days to be counted from the day the steamer has been actually berthed and is ready for loading coal after the usual twentyfour hours' notice of readiness has been given.

4. Shipping Companies are expected to load steamers up to their full carrying capacity and will not be allowed to carry coal or other cargo for other consignees. Delivery to be given in Rangoon in shipments of not less than 7,000 tons.

5. The Contract shall not be assigned or sub-let by the Contractor without the written permission of the Railway Board and in the event of the Contractor assigning or sub-letting the contract or any part thereof without such permission the Railway Board may by notice in writing to the Contractor terminate the contract.

6. The Shipping Company shall at their own cost provide all necessary baskets and shovels for the discharge of the said coal at Rangoon.

7. The Railway at the Port of discharge shall supply trucks or wagons or lighters to receive the coal ex-ship, but shall not be bound to accept the delivery at the rate of more than 1,000 tons per working day and from only one steamer at a time.

8. In order to provide a guarantee for the Government for the due fulfilment of the Contract the freight on one cargo shall be deducted and retained from the Contractor's first bill. This amount will be refunded when the full quantity contracted for has been transported.

9. The quantity of coal to be transported shall be "more or less", i.e., the Railway Board shall have the option of requiring transportation ten per cent. in excess of or ten per cent. less than the contracted quantity within the period of the contract, such option to be declared before the expiration of the first seven months of the period of the contract.

10. The Shipping Company will be required to enter into an agreement for the transportation of this quantity.

No. 4.

Calcutta 15th February, 1935.

To

The Commanding Officer of a British India Steam Navigation Company's Steamer or other steamer.

RECEIVE on board from The Chief Mining Engineer, Railway Board, Calcutta, the undermentioned Coal for A/c Burma Railways, Rangoon.

Full requirements of seaborne coal in bulk, estimated at 2,00,000 tons 1st April, 1935, to 31st March, 1936, Calcutta to Rangoon, to be shipped as mutually arranged at Kidderpore Docks.

Full freight at the rate of Rs. 3-14-0 per ton to be paid in Calcutta after completion of loading. The quantity of cargo coal placed on board each steamer at Calcutta to be decided by two Surveyors one appointed by the shippers and the other by Master or Agents of the steamer; and should the Surveyors disagree the decision of an Umpire appointed by them to be considered final. The fees for the Umpire to be paid by the party against whom his decision is given.

Conditions as per Tender.

Steamer is not accountable for weight or condition.

To be shipped as above

Freight Rs. 3-14-0 per ton of 20 cwts. payable here by shipper. Bills of Lading must state contents, and must be presented at this Office within four days of the Steamer's clearance, failing which any penalty levied by Customs in consequence of the non-entry in Export Manifest of the Goods, will be levied from shipper before signing Bills of Lading as also any penalty which may be incurred through erroneous description in Bill of Lading. No Bill of Lading signed for less than Rs. 5.

This Shipping Order is issued subject to the clauses appearing in British India Steam Navigation Company's Bill of Lading to be signed for Coal.

(Sd.) Mackinnon Mackenzie & Coy.

Mg. Agents.

RACIAL DISCRIMINATION IN THE MASTER-GENERAL OF THE ORDNANCE BRANCH.

27. *Mr. S. Satyamurti: (a) Will Government please state the number of (i) Indians, and (ii) Britishers, holding Superintendents' and First Division assistants' posts in the M. G. O. Branch, and the number in each category who, according to their confidential reports, are considered as fit for promotion to the next higher grades?

(b) Is it a fact that none of the British clerks in the M. G. O. Branch had passed the Public Service Commission examination, but entered Army Headquarters service with a mere educational certificate in their hands, not recognized by any University? If so, will Government please explain the reason for this racial discrimination between Indians and non-Indians, i.e., clerks belonging to Indian race, even though possessing the highest University degree, are made to pass the Public Service Commission for Army Headquarters service, while British clerks are exempted from such an obligation?

Mr. G. R. F. Tottenham: (a) There are eleven British and nine Indian Superintendents and eleven British and 54 Indian Assistants. I am not prepared to supply the confidential information asked for in the second part of the question.

(b) It is true that soldier clerks do not have to pass the Public Service Commission examination, but, as I have often explained before, the reason is that a certain proportion of the clerical establishments in Army Headquarters are required to possess military knowledge in addition to a satisfactory standard of general education. The latter is ensured by requiring them to obtain a first class Army school certificate, which has been accepted as sufficient by the educational authorities of the Government of India.

Mr. S. Satyamurti: May I know if such qualifications of military knowledge, apart from general educational knowledge, will be made applicable to Indian clerks also, and not only to British clerks?

Mr. G. R. F. Tottenham: Does the Honourable Member suggest that we might take Indian soldiers and employ them as clerks?

Mr. S. Satyamurti: What I want to know is why this distinction should be based on race?

Mr. G. R. F. Tottenham: There is no racial discrimination. As I said, it is a matter of requiring a certain amount of military knowledge in a proportion of the clerical establishments of Army Headquarters; at present that military knowledge combined with a sufficient standard of general education is only forthcoming from British soldiers.

Mr. S. Satyamurti: But have Government taken any steps to make it possible for Indians of similar qualifications to get these jobs?

Mr. G. R. F. Tottenham: That is why I started by asking whether it was the Honourable Member's intention to ask whether we were taking any steps to employ Indian soldiers as clerks: that matter is under consideration.

SUPERSESSION OF ASSISTANTS IN THE MASTER-GENERAL OF THE ORDNANCE BRANCH.

28. ***Mr. S. Satyamurti:** (a) Is it a fact that several First Division assistants in the M. G. O. Branch have recently been superseded in connection with the filling of two vacancies in the upper time-scale? If so, why?

(b) Is it a fact that a very junior British assistant has been given charge of a section in preference to senior Indians? If so, why?

(c) Is it a fact that during the time of the former M. G. Os. and Officer Supervisor in charge of office establishment, there had not been a single case of supersession among clerks in the M. G. O. Branch?

(d) Will Government please state the number of cases of supersession during the last two years among clerks serving in (i) the various Secretariat offices of the Government of India, and (ii) the Army Headquarters Branches?

Mr. G. R. F. Tottenham: (a) The two vacancies were filled by Indian clerks who superseded certain other clerks who were not considered fit for promotion.

(b) and (c). No.

(d) The collection of the information asked for would entail an expenditure of time and labour which would be incommensurate with the value of the result.

Mr. S. Satyamurti: May I know, Sir, if this supersession is based only on merits, and not on racial considerations at all?

Mr. G. R. F. Tottenham: Yes, Sir; on merits.

ARTICLE IN THE *INDIAN EXPRESS* OF MADRAS ENTITLED "PROPAGANDA FILMS PLANS".

29. ***Mr. S. Satyamurti:** Will Government be pleased to state:

(a) whether their attention has been drawn to the accompanying extracts† from the *Indian Express* of Madras, dated the 30th August, 1935, entitled "Propaganda Films Plans";

(b) whether they are aware that one of the main objects of the campaign is to carry on an indirect propaganda in favour of the various Imperialist Governments in the West to emphasise the White Man's mission and burden in the Colonial countries;

(c) whether they are aware that this campaign has the blessings of several missionary societies working in India;

(d) whether they are aware that these films will portray the 'miserable life', the 'superstitious belief', the 'unwholesome habits', the 'dogmatic religions', etc., of Indians; and

(e) whether Government have taken any action or propose to take any action, and if not, why not?

†Sent to the Department concerned.

The Honourable Sir Henry Craik: (a) I have seen a copy of the *Indian Express*, dated the 30th August, 1935, but it does not contain any article headed "Propaganda Film Plans". Presumably the article was similar to that which appeared in the *Madras Mail* of the 23rd of November to which the Honourable Member drew my attention.

(b), (c) and (d). A reply to the article, which appeared in the *Madras Mail* and to which I have referred, was published by the Chairman of the Missionary Film Committee in the *Madras Mail* of the 30th November, from which it will be seen that the account of the film given in the previous articles was incorrect. Government are making further enquiries from the Government of Madras regarding the film, but so far I have received no information tending to show that the film would be in any way objectionable. There is, therefore, no need for Government to take any action at present.

Mr. S. Satyamurti: Will Government pursue their inquiries further and satisfy themselves before the film is released, that it is not actually objectionable from any relevant Indian point of view?

The Honourable Sir Henry Craik: Yes, Sir; we are pursuing our inquiries.

WORKING OF THE REFORMS OFFICE.

30. ***Mr. S. Satyamurti:** Will Government be pleased to state:

(a) how long the Reforms Office has been working and what the cost of working the same up to date is;

(b) the superior staff now working in the Reforms Office;

(c) the nature and scope of the work now being done by the Reforms Office, after the passing of the Government of India Act;

(d) what part of the work of implementing the Reforms is being done by the Local Governments;

(e) how long the Reforms Office is proposed to be kept up; and

(f) whether Government have considered the possibility of abolishing the office, and getting the work done by the departments of the Government in the course of their ordinary duties?

The Honourable Sir Nripendra Sircar: (a) and (e). I invite the attention of the Honourable Member to the replies given by me to parts (a), (b) and (c) of starred question No. 910 on the 21st March, 1935. The estimated expenditure of the Reforms Office during the year 1935-36 is Rs. 3,15,350.

(b) I lay a statement on the table.

(c) The Reforms Office is now engaged on the work connected with the creation of the new provinces of Sind and Orissa, the separation of Burma, the inauguration of Provincial Autonomy and the transitional Central Government including electoral arrangements for the Provinces and the Centre and the revision of all Statutes, laws, bye-laws and rules in order to bring them into line with the new constitution.

(d) The Provincial Governments are dealing, under the guidance and direction of the Government of India, with questions connected with the establishment of Provincial Autonomy in their respective Provinces including the preparation of provisional electoral rolls for the new Provincial Legislatures and the revision of Provincial enactments.

(f) Full use is being made of the departments of the Government of India in dealing with subjects relative to the introduction of the new constitution with which they are immediately concerned, but it would not yet be practicable to do without the Reforms Office.

Statement.

Superior staff working in the Reforms Office.

One Reforms Commissioner.
One Additional Secretary.
Two Joint Secretaries.
One Officer on Special Duty (Law Revision).
One Under Secretary.

Mr. S. Satyamurti: With reference to the answer to part (e) of the question, may I know how long this Reforms Office is proposed to be kept up?

The Honourable Sir Nripendra Sircar: I am unable to give a definite date or even an approximate date when we shall be able to do without the Reforms Office. I have indicated the matters which they are taking up, and it is not possible to form an exact estimate of the length of time this office will have to be kept.

Mr. S. Satyamurti: May I know, Sir, when the Provincial elections are likely to take place, according to the time-table of the Reforms Office?

The Honourable Sir Nripendra Sircar: The dates for Provincial elections have not been fixed at all.

Mr. S. Satyamurti: May I know what the Reforms Office is working at with regard to the Provincial elections? Have they any idea themselves as to when the Provincial elections are likely to take place? What are they doing?

Mr. M. Ananthasayanam Ayyangar: Was there a conference of Reforms Officers from several provinces held in the month of January this year in Delhi?

The Honourable Sir Nripendra Sircar: Yes, Sir.

Mr. M. Ananthasayanam Ayyangar: For what purpose? On what business?

The Honourable Sir Nripendra Sircar: Business of dealing with reforms?

Mr. M. Ananthasayanam Ayyangar: Were there any special conclusions arrived at?

(No reply).

POSITION IN RESPECT OF EXPORT OF SILVER.

31. ***Mr. S. Satyamurti:** Will the Honourable the Finance Member be pleased to state:

(a) whether he is watching the silver situation, especially in the Bombay market, and what steps Government propose to take;

(b) whether any attempt is to be made to control or prohibit the export of silver from the country; and

(c) what the latest position in the matter is?

The Honourable Sir James Grigg: (a) The answer to the first part is in the affirmative. As regards the second the Government will take whatever action they think necessary whenever they think it necessary.

(b) and (c). Conditions have completely changed since the Honourable Member put his question on the paper.

Mr. S. Satyamurti: What is the latest position?

The Honourable Sir James Grigg: Bombay prices are at London import parity so that there are not exports of silver, but imports.

Mr. S. Satyamurti: Are Government going to control the import of silver?

The Honourable Sir James Grigg: An import duty is already in existence.

Mr. S. Satyamurti: Are they going to increase it?

The Honourable Sir James Grigg: I could not tell you that.

Seth Govind Das: Don't they think it necessary to take some action in this respect? Don't they think that the time has come when they should take some steps in this matter, and, if they think that the time has not come even now, when do they think that the time will come?

The Honourable Sir James Grigg: I have already answered that question.

GOVERNMENT OF INDIA SECURITIES AND THEIR POSITION IN THE MARKET.

32. ***Mr. S. Satyamurti:** Will the Honourable the Finance Member be pleased to state:

(a) whether he is watching the situation with regard to the Government of India securities and their position in the market;

(b) if any steps are proposed to be taken to stabilise the same, and

(c) what the latest position in the matter is?

The Honourable Sir James Grigg: (a) Yes.

(b) I regret I do not follow the Honourable Member. The prices of the securities will naturally vary from time to time with reference to various factors.

(c) The commercial columns of almost any newspaper will give the Honourable Member what, I presume, he wants.

ARREST OF CERTAIN INDIAN AND BRITISH SUBJECTS BY ITALIANS.

33. ***Mr. S. Satyamurti:** Will Government be pleased to state:

(a) whether their attention was drawn to a message from Eritrea to the effect that fifteen Indians and British subjects had been arrested by Italians for alleged sending a despatch to Aden, advising merchants there not to ship further merchandise to Massawa (Eritrea);

(b) whether Government took any action in this matter;

(c) what the result of that action is; and

(d) if they have not taken any action, the reasons why they have not done so?

Sir Aubrey Metcalfe: (a) Yes.

(b) and (c). Enquiries which have been made, show that no Indians were arrested in Eritrea. As a measure of public order, however, two Indian traders were detained at Massawa for two days and their business was ordered to be closed for five days on the ground that they had artificially increased the prices of essential foodstuffs.

(d) Does not arise.

Mr. S. Satyamurti: Are they carrying on their business now?

Sir Aubrey Metcalfe: I understand that they had been only kept under detention for two days, and their business was stopped for five days. That all occurred a good many weeks ago.

ADULTERATION OF DRUGS.

34. ***Mr. S. Satyamurti:** Will Government be pleased to state:

(a) whether they have received any representation from the Secretary, Federation of Indian Chambers of Commerce and Industry, on the subject of adulteration of drugs; and

(b) whether they propose to take any action in the matter, and if so, what?

Sir Girja Shankar Bajpai: (a) and (b). The position of the Government of India in the matter is stated in a letter, dated the 27th November, 1935, addressed to Local Governments, a copy of which has been placed in the Library of the House. Replies to this letter were called for by the 31st of January and are not yet complete. The Government of India have already signified their willingness to make a beginning with a Section of the Central Laboratory for the testing of biochemical drugs and provision for this will be made in next year's budget, subject to the Assembly voting the funds. Whether any further action on their part is needed will be determined on receipt of the replies to the letter of the 27th November.

Mr. S. Satyamurti: Are Government contemplating any legislation?

Sir Girja Shankar Bajpai: No, Sir, they are not contemplating any legislation.

Dr. T. S. S. Rajan: When are their replies likely to be received by the Government of India?

Sir Girja Shankar Bajpai: I have already stated that we had asked the Local Governments to send their replies by the 31st of January last, but many of the Local Governments, unfortunately, have not kept to that time.

Dr. T. S. S. Rajan: So you cannot give us an idea?

Sir Girja Shankar Bajpai: I only hope that the Local Governments will be as prompt in their replies as Honourable Members wish the Government of India to be prompt in taking action.

Dr. N. B. Khare: Are you not hurrying them up?

Sir Girja Shankar Bajpai: My Honourable friend might share the labour with me. We have already addressed them in November.

ORGANISATION OF MARKETING METHODS IN AFGHANISTAN.

35. ***Mr. S. Satyamurti:** Will Government be pleased to state:

(a) whether their attention has been drawn to the accompanying note† in the *Statesman* about the need for organising marketing methods in the bazars of Afghanistan on behalf of India; and

(b) whether Government propose to take any action in the matter, and if so, what?

Sir Aubrey Metcalfe: (a) Yes.

(b) The suggestion in the article is that Indian merchants should send representatives to Afghan markets to study conditions there. This in itself does not call for any action by Government.

DISTURBANCES IN SECUNDERABAD.

36. ***Mr. S. Satyamurti:** Will Government be pleased to state:

(a) what the latest position is with regard to the recent disturbances in Secunderabad;

(b) what the causes of the disturbance were; and

(c) whether Government propose to take any action to prevent recurrence of such disturbances in the future?

Sir Aubrey Metcalfe: (a) Normal conditions have prevailed since the 29th August.

(b) The cause of the disturbance was communal friction arising from a dispute over the route to be taken by a temple car. The route usually taken was blocked by a pandal, and the Muslim community objected to the use of an alternative route which led past a mosque.

† Sent to the Department concerned.

(c) The local authorities have taken action which it is hoped will prevent recurrences of such disturbances.

Mr. S. Satyamurti: Has that action the consent of both the communities concerned?

Sir Aubrey Metcalfe: So far as I know, it has, but I cannot tell for certain.

Mr. S. Satyamurti: Will Government make enquiries and find out, so as to prevent future disturbances, that such action as the local authorities take has the consent of at least the better minds of both the communities?

Sir Aubrey Metcalfe: I will make enquiries, but I have no doubt that the local authorities have fully consulted both the communities before arriving at a conclusion in the matter.

TRADE AGREEMENT WITH GERMANY.

37. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- whether their attention has been drawn to the accompanying note† in the *Hindu* of the 24th August, 1935, regarding making a direct trade agreement with Germany;
- whether in concluding agreements with other powers, Great Britain took into account how those agreements affected India's trade position; and
- whether Government have considered the effect of such agreements by Britain without consulting India, and what action they propose to take in the matter?

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

(b) Government have no reason to think that His Majesty's Government in the United Kingdom have been unmindful of India's interests or that these interests have been in any way prejudiced by any of the agreements recently concluded between the United Kingdom and other countries.

(c) Does not arise.

Mr. S. Satyamurti: Will Government make any specific enquiry, apart from their assumption, and find out whether, in concluding this agreement with Germany, the question how far that agreement is likely to affect India's trade position has been taken into account?

The Honourable Sir Muhammad Zafrullah Khan: That is a matter for the Government of India themselves to decide and the Government of India find that the agreement is not likely to affect India's trade position adversely.

Mr. S. Satyamurti: Have they examined the agreement and satisfied themselves that, as a matter of fact, it does not affect India's trade position adversely?

The Honourable Sir Muhammad Zafrullah Khan: So they hope.

† Sent to the Department concerned.

Mr. S. Satyamurti: I am not asking for a hope, but for an honest belief arrived at after an examination of all relevant factors.

The Honourable Sir Muhammad Zafrullah Khan: Yes.

ACTION TAKEN ON THE RECOMMENDATIONS OF THE TRANSPORT ADVISORY COUNCIL.

38. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- whether any action has been taken on the recommendations formulated by the Transport Advisory Council at its meetings on the 7th, 8th and 9th January, 1935;
- the results of such action; and
- whether it is proposed to review these recommendations with a view to evolve a more acceptable policy of co-ordinating rail and road transport?

The Honourable Sir Frank Noyce: (a) Yes.

(b) The Concise Statement of Policy adopted by the Council has been accepted by the Government of India and five Local Governments. It has been accepted with certain reservations by the remaining Local Governments. The question of amending the Indian Motor Vehicles Act, 1914, and the other questions on which the Council made subsidiary recommendations, have been taken up.

(c) It is too early yet to say whether the recommendations require review. A meeting of the Transport Advisory Council will probably be held in July or August next, and matters relating to road-rail co-ordination will doubtless be discussed then and at subsequent meetings.

Mr. S. Satyamurti: Have Government examined the position that railways can never pay, so long as roads are a provincial subject and railways a Central subject, and have Government considered the possibility of effecting some kind of reconciliation before Federation comes into being and they start fighting amongst themselves?

The Honourable Sir Frank Noyce: My Honourable friend is raising very wide questions of policy, but I can assure him that the fact that roads are a provincial subject and railways are a Central subject is very poignantly brought home to the Government of India when they study the returns of railway earnings.

Mr. S. Satyamurti: Have Government considered the question of co-ordinating transport and avoiding competition, at least unhealthy competition, between rail and road transport, and co-ordinating them with a view to getting the maximum benefit for this country from both forms of transport?

The Honourable Sir Frank Noyce: We are doing our best within the limits of the present and, may I add, the future constitution.

Mr. S. Satyamurti: Are Government going to alter those limits, and make it easier for them to reconcile these two apparently conflicting interests?

The Honourable Sir Frank Noyce: I am sorry I did not quite catch my Honourable friend's question.

Mr. S. Satyamurti: I am asking—the phrase used by my Honourable friend is “within the limits”—I am asking whether Government have considered or propose to consider altering these limits, with a view to evolving a really beneficent policy for the country as a whole, and not to make the centre and the units fight.

The Honourable Sir Frank Noyce: That would mean an alteration in the Government of India Act.

Mr. S. Satyamurti: And why not?

The Honourable Sir Frank Noyce: That is hardly a question for this Government.

Mr. S. Satyamurti: I wish to know if this Government may not address His Majesty's Government and ask for a revision of the Government of India Act. We are helpless, but the Government of India are not helpless I thought.

The Honourable Sir Frank Noyce: I must confess that that is hardly a question I feel competent to answer.

SECURING OF JUST TREATMENT FOR INDIAN EXPORTS AND IMPORTS.

39. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their attention has been drawn to the speech of the President of the Indian Merchants' Chamber at the second quarterly meeting of that Chamber held on the 30th July, 1935;
- (b) whether Government have come to any conclusions on the points referred to therein;
- (c) whether they are aware that in many directions Indian interests have suffered through omission of any action on the part of Government;
- (d) whether they have come to any conclusions on the suggestion of an exchange pool, or of a system of licences both for imports and for exports; or assisting the export trade of the country by agreeing to place orders for some of their requirements with those countries which are capable of supplying them, and which are also in need of Indian produce;
- (e) whether it is a fact that India has been selling her produce abroad, and, with the price realised, is paying for more British goods imported into India than that purchased by Britain;
- (f) whether it is due to this factor that some of those countries have been obliged to place restrictions on Indian exports to them; and
- (g) whether Government have pressed or propose to press upon the Government of the United Kingdom to co-operate with them in securing just treatment for Indian exports and imports?

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

(b) and (d). Yes. The Government of India are of opinion that the adoption of the suggestions referred to would not be in the interests of India.

(c) No.

(e) If the purport of the Honourable Member's question is to ascertain whether the value of imports from the United Kingdom into India exceeds the value of imports into the United Kingdom from India, the answer is in the affirmative.

(f) No.

(g) The Government of India do not agree with the Honourable Member's assumption that Indian exports and imports are the subject of unjust treatment.

Mr. S. Satyamurti: With reference to the answer to part (d) of the question, may I ask if the Honourable Member has had any consultation with the President of the Indian Merchants' Chamber or any representative of that Chamber, before rejecting all those suggestions?

The Honourable Sir Muhammad Zafrullah Khan: No personal consultation, but the Government of India are constantly in receipt of views of various Chambers on these questions.

Mr. S. Satyamurti: May I know whether the Honourable Member will discuss with the representatives of this very distinguished and representative Chamber, why they press these suggestions, and why Government feel they cannot accept them?

The Honourable Sir Muhammad Zafrullah Khan: I shall have to await a request from these Chambers for a discussion on the subject before I can answer the question of my Honourable friend.

DEVELOPMENT OF INDIAN INDUSTRIES.

40. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their policy in respect of Indian industries still continues to be based on the recommendations of the Fiscal Commission of 1922;
- (b) whether it is a fact that the Chambers of Commerce in India as well as Non-Official Members of this House of all parties have complained that the policy was inadequate; and
- (c) whether Government propose to take any action to bring the policy into line with the real requirements of Indian industrial development?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (c). Government's fiscal policy in respect of India's industries continues to be based on the principles laid down in the Resolution adopted by this House on February the 16th, 1928. No change is contemplated in that policy.

(b) Government are aware that certain Indian Chambers of Commerce as well as some Members of this House have complained of the above policy being inadequate.

Mr. S. Satyamurti: Have the Government of India, since the date of that Resolution,—that is, since 1923,—based on the recommendation of the Commission of 1922, re-examined this question in all its bearings any time?

The Honourable Sir Muhammad Zafrullah Khan: The Government of India have had to consider the question on various occasions when the question of protection to various industries came up.

Mr. S. Satyamurti: Apart from any individual industry asking for or obtaining or being refused protection, may I know whether the whole question of the entire policy of protection of Indian industries has ever been re-examined by the Government, since that Commission reported and this House adopted the Resolution of 1923?

The Honourable Sir Muhammad Zafrullah Khan: If my Honourable friend by re-examination means whether the Government have examined the question by going into it and seeing whether any change is or is not necessary by setting up an investigation into the matter, no.

Mr. S. Satyamurti: May I know if Government contemplate a re-examination of the whole matter in the near future?

The Honourable Sir Muhammad Zafrullah Khan: I have replied to that already. I have said that no change is contemplated in that policy.

Mr. Lalchand Navarai: May I know from the Honourable Member whether, realising as the Government do the view of Members of this House and of the different Chambers of Commerce that the protection is inadequate, the Government have considered the question in that light?

The Honourable Sir Muhammad Zafrullah Khan: Yes. All the factors on which that view is based have been considered.

REVISION OF REVENUE DUTIES.

41. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether they are considering the question of revising revenue duties with a view to reducing them;
- (b) whether they have considered the effect of such reduction on Indian industrial development; and
- (c) whether, before coming to any conclusion on the subject, they propose to consult this House in the matter?

The Honourable Sir James Grigg: (a) and (b). I have nothing to add to the remarks which I made in this House on the 6th of March last (page 1777) and again on the 11th of March (pages 2152-2153).

(c) Any changes which may be proposed will be incorporated in a Bill which will be placed before the House.

Mr. S. Satyamurti: Charging my memory back just now—my Honourable friend will correct me if I am wrong—may I know if this question of revision of revenue duties is merely to evolve a scientific system, or is there any method behind that madness?

The Honourable Sir James Grigg: I find it a little difficult to answer questions about a non-existent revision, but I hope the answer to his questions will be when the revision ultimately takes place that it will be found to be a scientific revision and that there will be some method in the madness.

Mr. S. Satyamurti: May I know if that method is the Honourable Member's fondness for free trade?

The Honourable Sir James Grigg: Obviously whatever my theoretical views may be, they are not completely applicable to India.

PREVENTION OF THE LEAKAGE OF CUSTOMS REVENUE THROUGH INDIAN MARITIME STATES.

42. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether they have taken steps to prevent leakage of British Indian customs revenue through Indian maritime States;
- (b) what steps they have taken in this direction; and
- (c) whether adequate steps have been taken to secure effective administration of such arrangements so as to secure uniformity and prevent leakage?

The Honourable Sir James Grigg: (a), (b) and (c). I can assure the Honourable Member that the question to which he refers is receiving very careful consideration, but I am not yet in a position to make a statement, with regard to the arrangements made with individual States.

Mr. S. Satyamurti: What is the total loss of Indian customs revenue which will compel the Honourable the Finance Member to take prompt action? How long does he propose to wait, what is the maximum he is prepared to lose?

The Honourable Sir James Grigg: As a matter of fact, I think the Honourable Member is slightly unfair. In some of the cases, action has been taken, and I hope, effective action, but action in regard to all the States is not complete, and I would prefer not to make any public statement until it is.

Mr. S. Satyamurti: May I know if the Honourable the Finance Member's hands are absolutely free, and if there are no political considerations being forced upon him to go slow in this matter?

The Honourable Sir James Grigg: No. There are no political considerations, Sir.

INCREASE IN FACILITIES FOR THE UNIVERSITY TRAINING CORPS.

43. *Mr. S. Satyamurti: Will Government be pleased to state:

- (a) whether their attention has been drawn to the Report of Interview and Record Board constituted for the Indian Military Examination held in March and April, 1935;
- (b) whether their particular attention has been drawn to a feature mentioned in the Report, namely, the increasing desire on the part of well-to-do business and professional classes to launch their sons on a military career;
- (c) whether in spite of their pre-existing handicaps, several of these youths impressed the Board as quite suited for a career in the Army;
- (d) whether in many cases the candidates had neglected all opportunities of playing games and profiting from the training imparted in the University Training Corps; and
- (e) whether Government propose to take steps to remedy this defect by increasing the facilities for the University Training Corps in the various Universities?

Mr. G. R. F. Tottenham: (a) to (d). Yes. I would add that Government have forwarded to the Information Bureaux of all Universities in India and Burma, extracts from the report of the Interview and Record Board on the points mentioned by the Honourable Member, and have requested those Bureaux to bring the matters mentioned to the notice of the Principals and Headmasters of all Colleges and Schools within their jurisdiction.

(e) The remedy for the shortcoming to which the Honourable Member refers lies with parents and educational authorities, and not with Government.

Mr. S. Satyamurti: May I know with reference to the answer to part (e) of the question, whether the Military Department are always willing to increase the facilities for the University Training Corps, whenever there is a legitimate demand for such increase of facilities?

Mr. G. R. F. Tottenham: That is a hypothetical question, but I do not think there is any reason for increasing the facilities, merely because certain people apparently have not taken advantage of the existing facilities. That is what was pointed out by the Interview and Record Board.

Mr. S. Satyamurti: So far as the province from which I have the honour to come is concerned, may I know if it is a fact that the Madras University Training Corps is always full up and they have been asking for increased facilities from the Army Department, and the Army Department is not willing to grant those facilities?

Mr. G. R. F. Tottenham: That seems hardly to arise out of the question. I am not aware of the facts. If the Honourable Member will put down a question, I will give him an answer.

SETTLEMENT OF THE INSTRUMENTS OF ACCESSION AND STATES WILLING TO JOIN THE FEDERATION.

44. *Mr. S. Satyamurti: Will Government be pleased to state:

- (a) whether negotiations are going on between the Government of India and individual States for the settlement of the Instruments of Accession;
- (b) how many States have so far agreed to join the Federation; and
- (c) at what stage the matter stands?

The Honourable Sir Nripendra Sircar: (a) and (c). The Government of India have not yet entered into negotiations with the States as various preliminary matters require to be settled before that stage is reached.

(b) Does not arise.

Mr. S. Satyamurti: Have the Government of India been considering any model Instruments of Accession?

The Honourable Sir Nripendra Sircar: Yes.

Mr. S. Satyamurti: At what stage does the consideration stand?

The Honourable Sir Nripendra Sircar: It is in the stage of consideration. We have not come to any final conclusion.

Mr. S. Satyamurti: Have such models been sent to the Rulers for their opinion?

The Honourable Sir Nripendra Sircar: To the best of my belief "No".

SHORT NOTICE QUESTION AND ANSWER.

AMENDMENT OF THE INDIAN COMPANIES ACT.

Mr. G. Morgan: Will the Honourable the Law Member be pleased to inform the House as to the subsequent procedure he has in mind regarding the contemplated reform of the Indian Companies Act, 1913?

The Honourable Sir Nripendra Sircar: The Committee of representatives of Mercantile Associations on the amendment of the Company Law concluded their deliberations at Delhi on the 26th January, 1936. As the result thereof considerable changes may have to be made in the suggestions provisionally put forward by Government before that Committee, for forming a basis for discussion and not as final conclusions. The drafting of the Bill will take a considerable time of which it is difficult to form an accurate estimate owing to the uncertain factor of the amount of work which the draftsman will find it necessary to handle during the progress of this Session of the Assembly.

I believe that it is likely that this House will decide to refer the Bill to a Select Committee.

Considering that the deliberations of the Select Committee are likely to be protracted on account of the nature of the Bill it will be inconvenient for Select Committee to meet while the Assembly is in Sessions.

As the amendment of the Insurance Law, which is a matter which ought not to be delayed, is being held up pending the amendment of Company Law, the only desirable course is to introduce the Bill and ask for a Select Committee during the present Session in order to enable the Select Committee to meet later on say in July or August 1936, leaving ample time for circulation of the Bill before the meeting of the Select Committee.

I am making every possible effort to ensure the drafting of the Bill being completed in time to permit its introduction during the present Session—and I have very strong hopes that this will be done.

After introduction of the Bill, the House will be in seisin of the matter, but I would request the House to help me by disposing of the motion for Select Committee this Session. I need hardly add that ample time will be given to the House for discussion before it is asked to give its decision on the motion for a Select Committee on the Bill.

UNSTARRED QUESTIONS AND ANSWERS.

INCOME AND EXPENDITURE OF THE CANTONMENT BOARDS AND CORPORATIONS IN THE EASTERN COMMAND.

1. **Pandit Krishna Kant Malaviya:** (a) Will Government be pleased to state the annual income and expenditure of the Cantonment Boards and Corporations in the Eastern Command for the following years:

- (1) 1920-1921,
- (2) 1921-1922,
- (3) 1922-1923,
- (4) 1923-1924,
- (5) 1931-1932,
- (6) 1932-1933,
- (7) 1933-1934, and
- (8) 1934-1935?

(b) Are Government prepared to exercise powers under section 280 of the Cantonments Act (1924) and further amend Chapter V of the Cantonment Account Code, 1924 by making rules for maintaining progress report executed by Cantonment Authority in such form as may be prescribed for the purpose?

Mr. G. R. F. Tottenham: (a) It would entail a great deal of clerical work to collect the information required by the Honourable Member and the result would not be commensurate with the time and labour involved.

(b) No, Sir. A rule, as suggested by the Honourable Member, is not a matter for incorporation in the Cantonment Account Code, 1924. A progress report can be called for in individual cases under section 46 (c) of the Cantonments Act, 1924.

DEFENCE OF BURMA AFTER SEPARATION FROM INDIA.

2. **U Thein Maung:** (a) Will Government please state:

(i) whether they have considered the question of the defence of Burma after separation from India; and

(ii) whether they have formulated any scheme therefor?

(b) If they have formulated such a scheme, will they please lay it on the table and state whether the Legislature of Burma would be given an opportunity to discuss it before its final adoption?

Mr. G. R. F. Tottenham: The question of the future defence of Burma is still under consideration, and no information can be given at present.

BURMANISATION OF THE DEFENCE FORCES IN BURMA.

†3. **U Thein Maung:** (a) Will Government please state if they have considered the question of Burmanizing the defence forces for Burma?

(b) If the answer to part (a) be in the affirmative, will they please lay their scheme on the table and make a statement as to how and at what pace they propose to Burmanize them and state whether they would make a beginning before separation of Burma from India, e.g., by training some Burmans for the army, the navy and the air force?

BURMANISATION OF THE MILITARY POLICE FORCE IN BURMA.

4. **U Thein Maung:** Will Government please state:

- (a) the strength of the military police force in Burma;
- (b) how far it has been Burmanized if at all; and
- (c) what their scheme is for its further Burmanization?

The Honourable Sir Henry Craik: (a) 11,812.

(b) Burmans—621; Karens—984; Other indigenous races—968.

(c) The scheme for further Burmanisation is under the consideration of the Government of Burma.

FINANCIAL SETTLEMENT BETWEEN BURMA AND THE SHAN STATES.

5. **U Thein Maung:** (a) With reference to the last sentence in paragraph 461 of the Report of the Joint Select Committee on Indian Constitutional Reform, will Government please state:

(i) who are the officers on the Committee to advise the Governor of Burma as regards financial settlement between Burma and the Shan States;

(ii) whether they have submitted their report; and

(iii) whether the Legislature of Burma would be given an opportunity to discuss the report before its adoption by the Governor?

† For answer to this question, see answer to question No. 2.

(b) Will Government please lay the Committee's Report on the table now or when it is ready?

The Honourable Sir James Grigg: (a) (i) The members of the Committee are Mr. Clague, who is at present on duty with the Boundary Commission, the Finance Secretary to the Government of Burma and the Reforms Secretary to the Government of Burma.

(ii) They have not yet submitted their Report.

(iii) The settlement is to be made by Order-in-Council—vide section 386 (2) of the Government of India Act, 1935, and it will be for His Majesty's Government to decide what opportunity the Burma Legislature is to be given to discuss the settlement. The Committee has been appointed to advise the Governor of Burma and its Report may not be a suitable document for discussion by the Legislature.

(b) In view of the facts stated in (iii) above this also is a matter for the decision of His Majesty's Government.

REPAIRS AND RESTORATION OF THE MAHABODHI TEMPLE AT BUDDHA GAYA.

6. **U Thein Maung:** Will Government please state:

(a) whether the Mahabodhi Temple at Buddha Gaya was excavated, repaired and restored at the expense of

(i) the Government of India, and

(ii) the Government of Burma; and

(b) what was the cost of such excavation, repairs and restoration?

Sir Girja Shankar Bajpai: (a) The temple was restored at the expense of the Government of Bengal and the late King of Burma.

(b) The Government of Bengal spent about Rs. 2,00,000. The amount contributed by the King of Burma is not known.

PUBLIC WORKS DEPARTMENT OFFICER IN CHARGE OF MAHABODHI TEMPLE AT BUDDHA GAYA.

7. **U Thein Maung:** Will Government please state:

(a) whether an officer of the Public Works Department was in charge of the Mahabodhi Temple at Buddha Gaya after the said excavation, etc.; and

(b) when and why such an officer ceased to be in charge of it?

Sir Girja Shankar Bajpai: (a) and (b). The matter is not primarily the concern of the Government of India, but I understand that at one time the Government of Bengal appointed an officer of the Public Works Department to look after the temple and rest-house and in later years the local Public Works Department and the Mahant of the temple have acted jointly in this behalf, an arrangement which still continues.

CONTRIBUTIONS MADE TO BURMA OUT OF THE ROAD DEVELOPMENT FUND.

8. **U Thein Maung:** Will Government please state what contributions have been made to Burma out of the Road Development Fund during the last five years?

The Honourable Sir Frank Noyce: It is not quite clear what the Honourable Member means by "the last five years". Since March 1929 Burma and the Shan States have received as their share, and in grants from the Government of India's Reserve, in the Road Account, a total of Rs. 69.44 lakhs.

SUPPLY OF OPIUM TO BURMA.

9. **U Thein Maung:** (a) With reference to paragraph 1 in Annexure I (revised) to Howard-Nixon Memorandum, will Government please state whether India would cease at the end of the calendar year 1935, to supply Burma with opium for purposes other than medical or scientific?

(b) If India would not cease to do so then, will Government please state the reason or reasons for continuing the supply and the time when the supply would be stopped?

Mr. A. H. Lloyd: (a) Paragraph 1 in Annexure I to the Memorandum quoted refers to the discontinuance of the export of opium to Far Eastern Countries, other than Burma, and not to the supply of opium from India to Burma after separation. It is not the intention of the Government of India to refuse after separation to supply opium to the Government of Burma for purposes other than medical or scientific, if the Government of Burma ask for such supplies.

(b) The declaration of 1926 was made at a time when Burma was an integral part of the Indian Empire, and referred to the discontinuance of exports of opium from the Indian Empire, as it then stood, to Far Eastern Countries. There is thus no reason for discontinuing the supply of opium to Burma.

MILITARY GRANTS AND REWARDS.

10. **Seth Haji Abdoola Haroon:** Will Government be pleased to state:

(a) what is the definition of "Military Grants" and to whom are the grants made;

(b) whether the Rewards are granted to the eligible persons in recognition of their services during the Great War, and, if so what Rewards in addition to their pensions or gratuities were given to ex-Military Officers and Soldiers whose names were mentioned in Despatches from Lieutenant General W. R. Marshall, K.C.B., K.C.S.I., dated the 15th April 1918, and those mentioned in Despatches by other Officers;

(c) whether they are aware that the above-mentioned and other eligible Officers and Soldiers were, in recognition of their gallant and distinguished services in the Field, promised the awards of "Jangi Inam" or Land, etc., but they have not so far been awarded anything and their claims have been rejected on the grounds that lands or other Rewards allotted to Units concerned have been distributed;

(d) whether they are prepared to allot fresh Land to the Units for distribution amongst the eligible persons or allow Jagir Allowance to the persons entitled, and if not, why not;

- (e) whether they are aware that "Military Grants" in Sind in Umarkot Taluka are in the form of plots of land given on instalment basis, and that no facilities in the payment of land revenue and instalment money are given to them, as in the Punjab, but on the other hand, if a particular instalment or land revenue for a particular year is not paid by the grantees even owing to loss of crops, their lands are forfeited and their pension money is attached;
- (f) whether they are prepared to refund their pensions and return their forfeited Lands, and if not, why not;
- (g) whether they are aware that ex-Military men who are granted lands in the British territory in recognition of their war services are required to obtain the permission of the Ruling Prince before they are allowed to migrate to the British territory to occupy such granted lands; and
- (h) if so, whether they are prepared to obtain the permission of the native States for the migration of the grantees of land; or to commute the land grants into pension according to paragraph 218-A of the Pension Regulations for the Army in India, and if not, why not?

Mr. G. R. F. Tottenham: (a) "Military Grants" of land are grants made to Indian military ranks and civilians permanently employed by the military authorities from an area placed at the disposal of the military authorities by Local Governments, or Indian States, in connection with their colonization schemes.

The grantees have to pay for the land and comply with the conditions laid down by the Local Government or States as regards tenure.

(b) 9,000 grants of land and 11,000 cash *inams* were awarded in 1920—1922 to selected Indian soldiers and followers who rendered distinguished service during the Great War. These awards are not to be confused with the "Military Grants" referred to in (a).

(c) The Honourable Member has been misinformed. No such promises were given.

(d) No. Government consider that the services of those who rendered distinguished service in the Great War have been adequately recognised by the awards referred to in (b).

(e) and (f). The Honourable Member has again been misinformed. Grants to military colonists were made in Umarkot Taluka in 1933 on the ordinary conditions of payment of ten per cent. of the value of the land in cash and the balance in ten equal instalments. The grants were subject to cancellation in case of failure to pay the instalments due. Several grantees have not paid a single instalment during the last two years although all possible concessions were made to them including the extension of the number of instalments from ten to twenty. No pensions have been attached, and only five grants have been cancelled for failure to pay the instalments. The liability to cancellation was one of the terms accepted by the colonists.

(g) and (h). Yes, and in some cases the Rulers were not prepared to allow their subjects to take up land grants in British India. In such cases the individuals in question were subsequently awarded *jangi inams* instead

of land. The war reward scheme is closed and Government are not prepared to reopen it.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

11. **Seth Haji Abdoola Haroon:** Will Government be pleased to state:

- (a) how many cases of pensions have been admitted by the Government since the publication of War Pensions Committee Report and what facilities are being given to the persons whose cases are governed by the items V, XII, XIX and XXI of the Committee's Report;
- (b) whether a holder of a War Badge and a Sanad of disablement in the Great War, signed by His Majesty the King and Emperor of India which reads as "No..... Served with honour and was disabled in the Great War..... Honourably discharged on..... and was discharged on account of illness or incapacity at his own request is entitled to draw a disability pension under item Nos. VIII or XII of the War Pensions Committee Report;
- (c) why Sub-Assistant Surgeons of the Indian Medical Department are not being given advantage of disability Pension Rules of 1922 [vide Army Instructions (India) No. 1056 of 1922], as per Government Orders on Item No. V of the War Pensions Committee Report; and
- (d) when they intend to apply items Nos. XV and XX of the War Pensions Committee Report?

Mr. G. R. F. Tottenham: (a) Though every possible facility has been given to pensioners to represent their cases, only 31 such cases put up as a result of the War Pensions Committee recommendations have proved to have substance.

(b) Ordinarily a man who is discharged at his own request has no claim to pension, but if it was subsequently proved that he was suffering from a pensionable disability attributable to military service his case for the grant of a disability pension would be sympathetically considered by Government.

(c) They are being given the advantage of these rules. In this connection please see Army Instruction (India) No. B-204 of 1926.

(d) Item XV of the War Pensions Committee is still under discussion with the Secretary of State, but a decision is expected shortly.

Item XX—parts (a) and (b).—It has been decided that there is no necessity to define the term more precisely or to alter existing orders.

Part (c).—Paragraph 184 of Pension Regulations was amended in February, 1934, to accord with this Recommendation, and instructions were also issued to military formations.

PENSION TO SOLDIERS WHO REMAINED PRISONERS DURING THE GREAT WAR.

12. **Seth Haji Abdoola Haroon:** Is it not a fact that paragraph 1029-B (iv), Army Regulations (India), Volume I (1915 edition), as amended by October Appendix to India Army Orders, 1918 and paragraph 186 (iv) of the Pension Regulations for the Army in India provide pension for soldiers who remained as prisoner of war during the Great War and whose pay and allowances for the period of absence were restored and who were acquitted by the Court of Inquiry?

Mr. G. R. F. Tottenham: Yes.

DEMOBILIZATION CONCESSIONS TO CERTAIN SOLDIERS.

13. **Seth Haji Abdoola Haroon:** (a) Is it not a fact that during the period of Demobilization commencing from 1919 to 1921 all soldiers were informed that they can go on pension after ten years' service in the Military Department and that on their willingness for pension or gratuity they were permitted to go home, but when after patiently waiting for a certain period they applied for their pension, they were informed that as they were discharged at their own request no pension could be granted to them?

(b) If the answer to part (a) be in the affirmative, are Government prepared to grant Demobilization concessions to the individuals discharged under Demobilization period notwithstanding the entry, "Discharged at his own request", on their respective Discharge Certificates? Are Government aware that such entries were due to the misunderstanding of the clerks concerned?

(c) Will Government be pleased to state whether the present Pension Rules of the Indian Army equally apply to personnel of the Imperial Service Troops?

(d) Will Government please state why "Jangi Inam" allowance admissible for three lives is not allowed to the son of first and second recipient and is withheld in the case of female on re-marriage?

(e) Are Government aware that no advantage of orders contained in Army Instructions (India) Nos. 805 of 1920 and 1056 of 1922 has been given to Military pensioners who, at the time of their retirement have received the commuted value of their pensions at old Pension Rules? If so, are Government prepared to re-assess their pensions under the provisions of these Army Instructions?

(f) Are Government also aware that no commuted value of both the service and disability pensions is being given to the entitled retired soldiers, but instead thereof the commuted value of a single pension is being allowed? If so, why so?

Mr. G. R. F. Tottenham: (a) No.

(b) Does not arise.

(c) No.

(d) No *Jangi inam* is payable for three lives. The first holder nominates a second holder who must be in one of the prescribed degrees of relationship to the deceased soldier in recognition of whose services

the *inam* was awarded, viz., widow, father, mother, son, daughter, grandson or grand-daughter. In the case of a female the *jangi inam* ceases on marriage or re-marriage on the analogy of the rule in the case of family pensions.

(e) and (f). No Indian troops with the exception of those whose homes are in Afghanistan are, or ever have been, allowed to commute their pensions.

COMPENSATION TO THE DEPENDANTS OF THE VICTIMS OF COLLISION OF MOTOR LORRY AND MAIL TRAIN NEAR BHADOI RAILWAY STATION.

14. **Seth Haji Abdoola Haroon:** Will Government be pleased to state whether any compensation has been allowed to the distressed and poor dependants of the victims of collision of Motor Lorry and 5-Up Mail Train at level crossing Gate No. 31, near Bhadoi Railway Station on the East Indian Railway, on the 6th June, 1933? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: No compensation was paid as the Railway Administration was not responsible for the accident.

EXAMINATION FEE CHARGED FOR CERTAIN POSTS IN THE ROYAL INDIAN ARMY SERVICE CORPS.

15. **Seth Haji Abdoola Haroon:** (a) Is it not a fact that applicants for the posts of clerks, storekeepers and checkers in the Royal Indian Army Service Corps are being charged an examination entrance fee of Rs. 5 (Rupees five only) with no surety of providing a job to the successful candidates and that till the occurrence of a vacancy they are always required to appear in each half-yearly competitive Departmental Examination, after payment of aforesaid fee for each Examination? If so, why?

(b) Is it not a fact that *ex-Indian* Superior Personnel of the Royal Indian Army Service Corps when applying for a job in the same Department are also being charged the Departmental Examination fee of Rs. 5 like new candidates and that in recognition of their services during the Great War no preferential treatment is being given to them in respect of age-limit and their appearance in the competitive Departmental test examination though they have sufficient experience of the post applied for?

(c) If the answer to part (b) be in the affirmative, are Government prepared to re-employ such personnel without any restriction of age-limit and their appearance in the aforesaid examination, provided they have more than three years approved service at their credit?

Mr. G. R. F. Tottenham: (a) A candidate who appears at a departmental entrance examination has to pay a fee of Rs. 5. If he obtains the minimum number of marks prescribed for qualifying for clerical and storekeeping appointments, he only has to pay half that fee if he appears at subsequent examinations which are normally held only once a year. A similar system is adopted for most open competitive examinations for entry to Government service.

(b) No. Though *ex-Indian* Superior Personnel of the Royal Indian Army Service Corps are charged a fee of Rs. 5, they are allowed to deduct the period of their service in that Corps from their age if they are

the age-limit, time spent on active service counting double, and are also awarded grace marks for honours and awards, active service and ordinary service in the Corps.

(c) Does not arise.

NON-AGRICULTURIST POPULATION.

16. **Mr. Amarendra Nath Chattopadhyaya:** Will Government be pleased to lay on the table a statement showing the total non-agriculturist population of each province?

The Honourable Sir Henry Craik: The information asked for by the Honourable Member may be obtained from the provincial Census reports, copies of which are in the Library of the House.

UNEMPLOYED PERSONS.

17. **Mr. Amarendra Nath Chattopadhyaya:** Will Government be pleased to lay on the table a statement showing the total number of persons who are without any employment province by province?

The Honourable Sir Frank Noyce: I would refer the Honourable Member to the answer given by the Honourable Mr. Mitchell on the 11th September, 1935, to Mr. Asaf Ali's starred question No. 265.

SLAUGHTER OF COWS, OXEN, ETC.

18. **Mr. Amarendra Nath Chattopadhyaya:** Will Government be pleased to lay on the table a statement showing province by province the total number of cows, oxen, calves, goats, she-goats, lambs, slaughtered on an yearly average from the last five years for the consumption of Military population *per capita*?

Mr. G. R. F. Tottenham: The information asked for is not readily available and its collection will involve time and labour incommensurate with the result aimed at.

TINNED MILK AND TINNED MEAT IMPORTED TO INDIA.

19. **Mr. Amarendra Nath Chattopadhyaya:** Will Government be pleased to lay on the table a statement showing province by province the total quantity of tinned milk and tinned meat imported to India and the total cost of such imported articles on the average during the last five years?

The Honourable Sir Muhammad Zafrullah Khan: The available information is contained in the Annual Statement of the Seaborne Trade of British India, a copy of which is in the Library of the Legislature.

YARNS USED BY THE WEAVERS BY HANDLOOMS IMPORTED FROM ENGLAND AND OTHER FOREIGN COUNTRIES.

20. **Mr. Amarendra Nath Chattopadhyaya:** Will Government be pleased to lay on the table a statement showing province by province the total quantity of yarn used by the weavers by handlooms imported from England and other foreign countries and the total cost of such yarn?

The Honourable Sir Muhammad Zafrullah Khan: The information asked for by the Honourable Member is not available.

YARN EXPORTED TO FOREIGN COUNTRIES.

21. **Mr. Amarendra Nath Chattopadhyaya:** Will Government be pleased to lay on the table a statement showing province by province the total quantity of yarn exported to foreign land?

The Honourable Sir Muhammad Zafrullah Khan: The available information is contained in the Annual Statement of the Seaborne Trade of British India, a copy of which is in the Library of the Legislature.

COST OF SILK YARN IMPORTED FROM CERTAIN COUNTRIES.

22. **Mr. Amarendra Nath Chattopadhyaya:** Will Government be pleased to lay on the table a statement showing province by province the quantity and cost of silk yarn imported from England, France, Germany, Japan and China for wearing silk cloth?

The Honourable Sir Muhammad Zafrullah Khan: With your permission, Sir, I propose to reply to questions Nos. 22 and 23 together.

The available information is contained in the Annual Statement of the Seaborne Trade of British India, a copy of which is in the Library of the Legislature.

COTTON TEXTILE ARTICLES IMPORTED FROM CERTAIN COUNTRIES.

†23. **Mr. Amarendra Nath Chattopadhyaya:** Will Government be pleased to lay on the table a statement showing province by province the total quantity of cotton textile articles and their total cost imported from Great Britain, Ireland and Japan separately?

SPINNERS AND WEAVERS IN INDIA.

24. **Mr. Amarendra Nath Chattopadhyaya:** Will Government be pleased to lay on the table a statement showing the total number of (i) spinners (in cottage industries and mill industries), and (ii) weavers (in cottage industries and mill industries) in India and the average duty wages caused by them respectively *per capita*?

The Honourable Sir Frank Noyce: *First part.* The attention of the Honourable Member is invited to (a) page 257 of Part II of the Census of India, Volume I, 1931, and (b) Statement IV of Statistics of Factories, 1932. Copies of both these publications are available in the Library of the House. Statistics giving the numbers of spinners and of weavers separately are not available.

Second part. The attention of the Honourable Member is invited to Appendix IX of the Report of the Indian-Tariff Board regarding the grant of protection to the Cotton Textile Industry, 1932, copies of which are available in the Library of the House. A statement, showing the average

†For answer to this question, see answer to question No. 22.

daily earnings in four selected occupations in the cotton mills in the Bombay Presidency in 1933, is appended. Similar information is not available for other provinces.

Average daily earnings in four selected occupations in the Cotton Mills in the Bombay Presidency in 1933.

Centres.	Average daily earnings of												Remarks.
	Spinners (1 side).			Weavers (2 looms).			Reelers.			Winders.			
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	
Bombay	0	14	10	1	8	1	0	11	5	0	9	11	
Ahmedabad	(a) 1	1	0	1	14	4	0	11	8	0	11	11	(a) Siders single side, men and women.
Sholapur	(b) 0	10	7	1	8	0	0	5	6	0	5	6	(b) Do., men.
Southern Maha- ratta countries.	(c) 0	8	1	0	15	3	0	6	8	0	6	3	(c) Do., men and women.
Khandesh	(d) 0	10	4	1	4	2	0	8	3	0	7	2	(d) Do., men.
Gujarat	(e) 0	12	9	1	10	6	0	9	8	0	8	7	(e) Do., men and women.

INDIANISATION OF ORDNANCE FACTORIES.

25. **Mr. Amarendra Nath Chattopadhyaya:** (a) Will Government please state what efforts are being made for the Indianisation of the Ordnance Factories?

(b) Will Government be pleased to lay on the table a list of Indians holding the posts of Assistant Foreman, Foreman and Assistant Works Manager, in the Ordnance Department? Are all these men departmentally promoted?

Mr. G. R. F. Tottenham: (a) The staff for the Ordnance Factories is now ordinarily recruited through the Public Service Commission, and there is no bar to the employment of Indians in these factories provided they possess the requisite technical qualifications. An improved scheme for the training of apprentices has been started in the factories with a view to securing a supply of qualified candidates for appointment to subordinate posts in them, and this will facilitate the process of Indianisation.

(b) There are at present 22 Indian (including six Anglo-Indian) Assistant Foremen and one Foreman, while one man who was recruited through the Public Service Commission is under training for appointment as Assistant Works Manager. With the exception of this man and one Assistant Foreman, all of these were departmentally promoted.

REVISION OF GRADES OF THE CHEMICAL AND PHYSICAL ASSISTANTS EMPLOYED IN THE ORDNANCE DEPARTMENT.

26. **Mr. Amarendra Nath Chattopadhyaya:** (a) What is the grade of the Indian Chemical Assistants in different Ordnance Factories and Ordnance

Inspection Department? Is it not a fact that, save and except the Ordnance Department, the Local as well as the Imperial Government have introduced the grade of Rs. 150 to Rs. 500, or somewhat modified grade for every Chemical Assistant irrespective of his nature of work? Why is this anomaly in the grade of Chemical Assistant in the Ordnance Department? Is it not that the present Metal and Steel Factory Laboratory is the oldest Metallurgical Laboratory in India? Why is it that the Chemical Assistant of Metal and Steel Factory is getting practically half the pay of the Chemical Assistant employed in the Alipore Test House and the Government Metallurgical Laboratory, Jamshedpur?

(b) Is it not a fact that the Ordnance Authority charge for their Chemical and Physical Report at the same rate as that of Test House, but they pay much less to their Chemical and Physical Assistants?

(c) Is it not a fact that the Stage Chemists of Metal and Steel Factory who are serving for the last 15 years are not yet made permanent?

(d) Is it a fact that they have not got any increment for the last ten years? If so, why?

(e) What steps have been taken by the Ordnance Authority for the gradual abolition of the lower grade permanent posts of Indian Chemists sanctioned by the Indian Munition Board?

(f) Will Government be pleased to state that when a Metallurgical Inspector has been provided in the Department, why is it that the Physical and Chemical Laboratory of Ishapore has not been placed under the Inspector?

(g) Do Government propose to consider the revision of grades of the Chemical and Physical Assistants employed in the Ordnance Department, so that their scale of pay may be brought in the same rank with those employed in other Government Departments?

Mr. G. R. F. Tottenham: (a) The grades of pay of Indian Chemical Assistants in the Ordnance Factories and Inspection Section establishment appointed to Government service before the 27th September, 1931, are as follows:

Ordnance Factories—

- 1st grade—Rs. 200—10—250, after 5 years Rs. 270.
- 2nd grade—Rs. 150—5—175, after 5 years Rs. 190.
- 3rd grade—Rs. 100—5—125, after 5 years Rs. 140.
- 4th grade—Rs. 70—5—100.

Inspection Section Establishment—

- 1st Chemist—Rs. 350—10—450.
- 2nd Chemist—Rs. 200—10—300—50/5—350.
- 3rd Chemist—Rs. 200—12½—250.
- 4th Chemist—Rs. 52½—7½—150 plus charge pay of Rs. 25 per mensem.

The Metal and Steel Factory Laboratory, old as it may be, deals almost entirely with routine work and manufacturing and informative tests and is on quite a different footing from the Test House at Alipore, or the Metallurgical Inspector's testing establishment at Jamshedpur. The grades of pay quoted by the Honourable Member are certainly correct for the personnel appointed to these establishments under the old scale which corresponds to those quoted above for the Ordnance Factories, but for the reason just given the question of any anomaly does not arise.

(b) No. Ordinarily no outside tests are carried out in the Factories' laboratories.

(c) and (d). Two temporary Stage Chemists are employed in temporary posts in the Metal and Steel Factory. One of them was entertained in 1921 and the other in 1935. The former reached the maximum of his grade in 1927, but the other has not yet qualified for his first increment.

(e) Of the seven posts concerned, two on Rs. 70-5-100 and two on Rs. 50-5/2-75 have already been abolished. The remaining three will be replaced by men on the extra establishment when the present incumbents vacate.

(f) An Assistant Inspector for the inspection of metals was appointed in March 1935. The question of what part of the Chemical Laboratory at Ishapore should be transferred to him is under consideration.

(g) The existing grades are considered adequate for the class of work undertaken and no revision is contemplated.

INTERMITTENT AND CONTINUOUS WORKERS ON CERTAIN RAILWAYS.

27. **Mr. V. V. Giri:** With reference to the reply to unstarred question No. 160 asked by Mr. B. B. Varma on the 9th March, 1935, regarding the staff classified as intermittent on the East Indian Railway, will Government be pleased to lay on the table same information regarding the Great Indian Peninsula, Eastern Bengal, Madras and Southern Mahratta, North Western and Bombay, Baroda and Central India Railways both in regard to intermittent workers and continuous workers separately?

The Honourable Sir Muhammad Zafrullah Khan: The information is not readily available and Government regret their inability to collect it as they do not consider that the expense and labour involved in getting it will be justified by the results to be obtained.

OVERTIME HOURS WORKED AND THE AMOUNT OF OVERTIME PAID UNDER HOURS OF EMPLOYMENT REGULATIONS ON EACH RAILWAY.

28. **Mr. V. V. Giri:** Will Government be pleased to lay on the table a statement showing the number of overtime hours worked and the amount of overtime paid under Hours of Employment Regulations during 1934-35, on each of the Railways where Regulations are in force?

The Honourable Sir Muhammad Zafrullah Khan: The information is not readily available. Government regret their inability to collect it as they do not consider that the expense and labour involved in getting it will

be justified by the results to be obtained. I would, however, give for the Honourable Member's information the following figures which were collected for 1932-33:

Railways.	Number of employees paid overtime.	Amount of overtime paid during 1932-33.
		Rs. a. p.
North Western	1,473	4,877 11 0
Eastern Bengal	1	0 11 0
Great Indian Peninsula	17	67 13 0
East Indian	620	3,170 0 0

ADDITIONAL STAFF RECRUITED ON EACH RAILWAY UNDER THE HOURS OF EMPLOYMENT REGULATIONS.

29. **Mr. V. V. Giri:** Will Government be pleased to state the number of additional staff actually recruited on each of the Railways where Hours of Employment Regulations have been enforced to implement the Regulations?

The Honourable Sir Muhammad Zafrullah Khan: The information asked for is not readily available and its compilation will involve an amount of labour and expense which will not be commensurate with the results likely to be achieved. I would, however, add that the approximate number of additional posts created to implement the Hours of Employment Regulations were as follows:

Railways.	No. of approximate additional posts created.
Madras and Southern Mahratta	429
North Western	1,644
East Indian	1,620
Bombay, Baroda and Central India	581
Eastern Bengal	553
Great Indian Peninsula	

LETTER ISSUED BY THE CENTRAL BOARD OF REVENUE RE RECRUITMENT FOR CUSTOMS PREVENTIVE SERVICE.

30. **Mr. V. V. Giri:** Will Government be pleased to lay on the table a copy of the letter issued by the Central Board of Revenue, dated the 4th October, 1935, addressed to the Collector of Customs, Calcutta, Bombay, Karachi and Madras on the subject of recruitment for Customs Preventive Service?

Mr. A. H. Lloyd: I regret that I do not see my way to comply with the Honourable Member's request.

NON-MATRICULATE PREVENTIVE AND ASSISTANT PREVENTIVE OFFICERS IN THE CUSTOMS DEPARTMENT OF CERTAIN PORTS.

31. Mr. V. V. Giri: Will Government be pleased to lay on the table a statement showing the names of Preventive and Assistant Preventive Officers in the Customs Department in Madras, Bombay, Karachi and Calcutta Ports not having the minimum educational qualification of Matriculation or equivalent standard?

Mr. A. H. Lloyd: Since the Government of India have been in direct control of the Customs Department no minimum educational qualification has been prescribed for Preventive Officers and Assistant Preventive Officers nor had such qualifications been prescribed prior to that date by any Local Government except that of Madras. Twelve officers serving in that port had not the minimum educational qualification mentioned by the Honourable Member at the time of their appointment and some of these were exempted from possessing the qualification by the Government of Madras when in control of the Customs Department of that province.

AVERAGE COST OF A POST IN TIME-SCALE OF PAY AND IN GRADED SCALE.

32. Mr. V. V. Giri: Will Government be pleased to state the formula given by the Government Actuary for working of average cost of a post in time-scale of pay and in graded scale respectively for pensionable and non-pensionable servants of Government?

The Honourable Sir James Grigg: I would invite the attention of the Honourable Member to the formulæ given in the Government of India's orders given below Fundamental Rule 9 (31) (c) on pages 25-26 of the Posts and Telegraphs Compilation of the Fundamental Rules, a copy of which is available in the Library of the House. Only the pay of the post is taken into the calculation and the average cost of pensionable and non-pensionable posts are calculated on the same formula.

SAVINGS EXPECTED BY INTRODUCTION OF NEW SCALES OF PAY.

33. Mr. V. V. Giri: (a) Will Government be pleased to lay on the table a statement showing the amount of ultimate savings expected by introduction of new scales of pay for inferior service, subordinate, workshop and gazetted service employees on each State-owned Class I Railway?

(b) Will Government be pleased to lay on the table the information on the above lines for each department of the Government of India together with particulars regarding percentage of expected savings in the pay bill on the present costs?

The Honourable Sir James Grigg: (a) Certain information is being collected by the Railway Board and such figures as are readily available in respect of savings on State-owned Class I Railways will be placed on the table of the House in due course.

(b) Government will also in due course place on the table such estimates as have been, or can readily be, made in respect of other departments of the Government of India.

STAFF EMPLOYED UNDER THE NEW AND OLD SCALES OF PAY.

34. Mr. V. V. Giri: Will Government be pleased to lay on the table a statement showing the number of staff in each class of service employed in each Department within the jurisdiction and control of the Central Government including Railways, Posts and Telegraphs, Commerce, Finance, Military, Customs, etc., under the new scales of pay and the old scales respectively?

The Honourable Sir Henry Craik: I regret I am unable to undertake to collect the information asked for by the Honourable Member as the labour involved would be incommensurate with the results.

STAFF ELIGIBLE TO JOIN THE STATE RAILWAY PROVIDENT FUND BUT NOT JOINED THE SAME.

35. Mr. V. V. Giri: Will Government be pleased to lay a statement on the table showing the number of staff eligible to join the State Railway Provident Fund membership but have not elected to join the same on each Class I Railway?

The Honourable Sir Muhammad Zafrullah Khan: With your permission, Sir, I propose to reply to questions Nos. 35 and 36 together. The information asked for is not readily available and Government regret their inability to collect it as they do not consider that the expense and labour involved in getting it will be justified by the results to be obtained.

MENIAL STAFF NOT ELIGIBLE TO JOIN THE STATE RAILWAY PROVIDENT FUND.

† 36. Mr. V. V. Giri: Will Government be pleased to state the number of "menial" staff as defined by the State Railway Provident Fund Rules, not eligible to join the fund on each Class I Railway?

RETRENCHED STAFF AND EX-STRIKERS OF THE GREAT INDIAN PENINSULA RAILWAY AWAITING EMPLOYMENT.

37. Mr. V. V. Giri: Will Government be pleased to state the number of retrenched staff and the Great Indian Peninsula Railway ex-strikers respectively awaiting employment on each Class I Railway on 31st December, 1935, and the number of staff recruited after 1st July, 1935, upto 31st December, 1935?

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

† For answer to this question, see answer to question No. 35.

RECOGNITION OF TRADE UNIONS AS PARTIES TO A DISPUTE UNDER THE TRADE DISPUTES ACT.

38. **Mr. V. V. Giri:** Will Government be pleased to state whether they propose to accept the Recommendation of the Railway Court of Inquiry of 1931, to recognise Trade Unions as parties to a dispute under Trade Disputes Act, and when they propose to amend the Act in the light of Whitley Commission Recommendations?

The Honourable Sir Frank Noyce: The matter is being considered in connection with the amendment of the Trade Disputes Act which is at present under examination. I am unable to say when an amending Bill will be ready for introduction in this House.

OFFICERS IN RECEIPT OF LEE CONCESSIONS ON CERTAIN RAILWAYS.

39. **Mr. V. V. Giri:** Will Government be pleased to lay on the table a statement showing the number of gazetted and non-gazetted officers respectively in receipt of Lee Concessions on each Class I Railway for the year 1934-35 and the respective amount of Lee Concessions received by each class for the same period?

The Honourable Sir Muhammad Zafrullah Khan: Government regret that the information required is not readily available and its collection will involve a considerable amount of labour. The following information, regarding officers of non-Asiatic domicile in Class I Railways (excluding the Jodhpur Railway and His Exalted Highness the Nizam's State Railway) was however collected for the year 1931-32 for the Railway Retrenchment Committee and may be taken as approximately correct for that year.

	In lakhs. Rs.
Cost of sterling overseas pay for officers of non-Asiatic domicile	41
Passages for officers of non-Asiatic domicile	7
Passages for subordinates of non-Asiatic domicile (Overseas pay is not admissible to subordinates).	2/3

LIST OF CERTAIN REGISTERED TRADE UNIONS.

40. **Mr. V. V. Giri:** Will Government be pleased to lay on the table a list of registered Trade Unions in each Province catering for railway workers, seamen, dock workers and motor and other transport workers separately for the period 1934-35 together with particulars regarding their respective membership, the annual income and expenditure of each Union and whether they are recognised by the employers concerned?

The Honourable Sir Frank Noyce: A statement containing the information required by the Honourable Member is placed on the table. Government have no information whether trade unions, other than those of the railway employees, are recognised by the employers concerned.

Statement showing particulars of membership, income and expenditure of registered trade unions in certain industrial groups during the year 1934-35.

Province.	Industrial Group.	Name of Union.	Membership as at the end of the year.	Income during the year.	Expenditure during the year.	Whether recognised or not.
Madras .	Railway	The Madras and Southern Mahratta Railway Employees' Union, Madras.	7,858	5,168	6,276	Not recognised by the Agent, M. and S. M. Railway.
		The All-India and Burma Covenanted Non-gazetted Railway Services Association, Madras.	57	932	673	Recognised by the Agents, E. I., E. B. and G. I. P. Railways.
	Seamen	The South Indian Railway Workers' Union, Trichinopoly.	2,922	3,065	2,737	Not recognised by the Agent, S. I. Railway.
	Dock Workers	The South Indian Seamen's Union, Madras.	96	Particulars not available.	512	
		The Madras Port Trust Workers' Union, Madras.	82	622	569	
	Motor and other transport.	The Cochin Labour Association, Calcutty, British Cochin.	173	1,064	1,354	
		The Madras Electric Tramways and Supply Corporation Employees' Union, Madras.	45	63	59	
		The Gordon Woodroffe Dubosh Transport Workers' Union, Madras.				
Bengal .	Railway	Bengal-Nagpur Railway Employees' Union.	1,055	1,074	1,313	Recognised by the Agent, B. N. Rail- way.
		Kandhupara Railway Workmen's Union.	1,326	116	131	Recognised by the Agent, E. B. Rail- way.
		Eastern Bengal Railway Indian Employees' Association.	16,029	16,408	16,671	Ditto.
		Bengal-Nagpur Railway Indian Labour Union.	15,403	13,967	14,356	Recognised by the Agent, B. N. Rail- way.

UNSTARRED QUESTIONS AND ANSWERS.

Province.	Industrial Group.	Name of Union.	Membership as at the end of the year.	Income during the year.	Expenditure during the year.	Whether recognised or not.
Bengal—contd.	Railway—contd.			Rs.	Rs.	
		Assam-Bengal Railway Employees' Association.	579	1,120	1,483	Not recognised by the Agent, A. B. Rail-way.
		Eastern Bengal Railway Workers' Union.	Particulars not supplied by the Union.			No information.
		East Indian Railway Workers' Union.	111	207	208	Not recognised by the Agent, E. I. Rail-way.
		East Indian Railway Employees' Association.	5,844	3,495	3,618	Recognised by the Agent, E. I. Rail-way.
		Railway and Factory Workers' Union.	493	216	211	No information.
	Seamen	Indian Seamen's Union.	15,713	1,778	1,684	
		Indian Quartermasters' Union	2,393	11,960	11,655	
		Indian Seamen's League	Particulars not supplied by the Union.			
		Seamen's Welfare League of India	4,108	1,214	1,226	
		Bengal Mariners' Union	12,108	2,560	13,501	
	Dock Workers	Calcutta Port Trust Employees' Association.	2,973	1,260	1,285	
	Motor and other transport.	Calcutta Tramway Workers' Union.	3,147	921	915	
		Bengal Motor Workers' Union	174	264	269	
		Noakhali Motor Association	54	370	370	
		Ghosepur Drivers' and Conductors' Association.	113	206	206	
		Corporation Motor Vehicle Employees' Association.	Registration cancelled in September 1935. Particulars not available.			
		Motor Transport Workers' Union, Bengal.	Particulars not supplied by the Union.			

Province.	Industrial Group.	Name of Union.	Membership as at the end of the year.	Income during the year.	Expenditure during the year.	Whether recognised or not.
United Provinces.	Railway	Bengal Rickshaw Union	68	171	166	Recognised by the Agent, E. I. Rail-way.
		Cossipore Gariwan Sangha	108	49	48	Recognised by the Agent, E. I. Rail-way.
		The East Indian Railway Men's Union, Lucknow.	Particulars not supplied by the Unions.			Recognised by the Agent, B. and N. W. Railway.
		The Bengal and North Western Railway Men's Association, Gorakhpur.				Not recognised by the Agent, Burma Rail-ways.
Burma.	Railway	The Burma Railways Employees' Union.	1,648	3,514	3,508	
	Seamen	The Seamen's Union, Burma.	259	227	227	
	Motor and other transport.	The Burma Motor Drivers' Association.	106	137	160	
		The Rickshaw Owners' and Pullers' Association.	422	1,213	1,161	
Bihar and Orissa.	Railway	East Indian Railway Union, Khatgaon.	487	1,395	683	Not recognised by the Agent, E. I. Rail-way.
	Central Provinces.	The Central Provinces and Berar Motor Drivers' Association, Nagpur.	625	2	11	
Delhi	Ditto	Taxi Owners and Drivers Union	202	Particulars not supplied by the Union.		

NOTE 1.—The statement is blank in respect of Aden, Ajmer-Merwara, Assam, Baluchistan, Coorg and the North-West Frontier Province.

NOTE 2.—Particulars of trade unions in Bombay and the Punjab are not available at present.

PREDOMINATION OF ONE COMMUNITY OVER OTHERS IN THE STAFF OF THE HOWRAH RAILWAY STATION.

41. **Dr. N. B. Khare:** (a) Will Government please place on the table a statement showing the number, pay with scales of the Gazetted and non-Gazetted Staff, communitywise, with the period of stay, employed on the East Indian Railway at Howrah Junction Station with reasons of predomination of any one community over the other communities?

(b) What action do Government propose to take to remove the predomination of one community? If none, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). The information is not readily available and Government do not consider any useful purpose will be served by collecting it. The posting of staff at a station depends among other factors on the suitability of staff and is a matter of detailed administration which must be left to the Railway Administration to decide. Government are not prepared to interfere.

STRENGTH OF STAFF ON THE EAST INDIAN RAILWAY.

42. **Dr. N. B. Khare:** Will Government please place on the table a comparative statement of the strength of Gazetted officers and non-Gazetted Supervising Staff on the East Indian Railway as it stood on 1st January, 1925, 1st October, 1925, and on 1st April, 1935?

The Honourable Sir Muhammad Zafrullah Khan: The information in respect of gazetted staff readily available will be found in the "Classified Lists of State Railway Establishment and Distribution Return of Establishment of all Railways" for the years 1925 and 1934, copies of which are in the Library of the House. The information regarding the non-gazetted supervising staff is not readily available and Government do not consider that the labour and expense involved in compiling it will be commensurate with the results likely to be obtained.

INCREASE IN WORKING EXPENSES ON THE EAST INDIAN RAILWAY.

43. **Dr. N. B. Khare:** Will Government please state the reason of the increase in working expenses on the East Indian Railway by 78 lakhs?

Mr. P. R. Rau: Unless my Honourable friend tells me to what period he is referring, I am unable to reply to this question.

RESERVATION OF NON-GAZETTED SUPERVISING POSTS FOR EUROPEANS AND ANGLO-INDIANS ON THE EAST INDIAN RAILWAY.

44. **Dr. N. B. Khare:** Will Government please state whether it is a fact that the non-Gazetted Supervising posts are exclusively reserved for European *cum* Anglo-Indians? If not, will Government please lay on the table a statement communitywise of the strength of the Supervising Staff recruited through the medium of Selection Board on the East Indian Railway on 1st January, 1934 and on 1st January, 1936 both temporary, and officiating or substantive permanent with pay and scale and in case of temporary or officiating, their substantive post with pay and scale?

The Honourable Sir Muhammad Zafrullah Khan: The answer to the first part of the question is in the negative. As regards the latter part,

Government understand that no Selection Boards were held in any of the offices on the East Indian Railway, on the 1st January, 1934 and 1st January, 1936.

POWERS OF THE AGENT OF THE EAST INDIAN RAILWAY EXERCISED BY HIS PRINCIPAL OFFICERS.

45. **Dr. N. B. Khare:** (a) Has the attention of the Governor General in Council been invited to the East Indian Railway Agent's Circular No. 466, dated the 10th May, 1927, and if so, will Government please state whether the powers of an Agent of a State Railway are vested in the Agent, East Indian Railway alone, or in the Agent in Council (of principal officers)?

(b) Is it a fact that the Agent, East Indian Railway, has never exercised the powers vested in him, and if he has, when and where?

(c) Is it a fact that all the powers vested in the Agent, East Indian Railway, are exercised in his name by the:

- (i) Chief Operating Superintendent;
- (ii) Chief Commercial Manager;
- (iii) Chief Accounts Officer;
- (iv) Chief Engineer; and
- (v) Superintendent, Watch and Ward?

(d) Is it a fact that in order to carry out the policy and to exercise the powers vested in the Agent by these principal officers, a separate staff (senior and junior scale officers with clerks entailing an expenditure of several thousands rupees) is maintained by each principal officer over and above that employed in the Agent's office?

(e) Will Government state the reasons for the expenditure under the Head Establishment of the said principal officers on abolition of the departmental system from February 1925?

(f) Do Government propose to have it investigated by an Independent duly elected Committee of the Members of this House; 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.

WITHDRAWAL OF THE POWERS OF THE AGENT EXERCISED BY THE HEADS OF DEPARTMENTS ON THE INTRODUCTION OF THE DIVISIONAL SYSTEM ON THE EAST INDIAN RAILWAY.

46. **Dr. N. B. Khare:** Is it a fact that on introduction of divisional system on the East Indian Railway, the powers exercised by the Heads of Departments were withdrawn? If so, will Government please state:

- (a) whether the Divisional Superintendents are responsible directly to the Agent in establishment matters;
- (b) whether the following officers are empowered to intervene or override the Divisional Superintendents in establishment matters:

- (i) the Chief Operating Superintendent;
- (ii) the Chief Commercial Manager;

- (iii) the Chief Engineer;
- (iv) the Chief Accounts Officer; and
- (v) the Superintendent, Watch and Ward;
- and if so, under what notification?
- (c) if the answer to part (b) be in the affirmative, what justification is for abolishing the departmental system and having Divisional *cum* Departmental system on a higher expenditure during these hard days of financial stringency;
- (d) the economy effected by introducing the Divisional System; and
- (e) whether Government propose to revert to the District systems; 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.

POWERS OF THE AGENT OF THE EAST INDIAN RAILWAY EXERCISED BY HIS PRINCIPAL OFFICERS.

47. Dr. N. B. Khare: Is it a fact that more than once Government informed this House that appeals addressed to the Officers on the East Indian Railway are dealt with by the said officer in person? If so, will Government please state:

- (a) whether it is a fact that the appeals addressed to the Agent, East Indian Railway, are always disposed of by his principal officers in terms of his Circular No. 466, dated the 10th May, 1927;
- (b) whether it is a fact that the principal officers on the East Indian Railway never gave any chance to the Agent to go through the appeals which were in order under the rules;
- (c) what justification Government have in having an Agent on the East Indian Railway in addition to principal officers; and
- (d) who is responsible for the acts of the Agent or the principal officer, when orders are signed by a principal officer for the Agent?

The Honourable Sir Muhammad Zafrullah Khan: The reply to the first part of the question is in the negative. Appeals addressed to officers on the East Indian Railway are dealt with by them personally when they lie to them under the rules. As regards the second part, the reply is as follows:

- (a) No.
- (b) Appeals are dealt with in accordance with the "Rules regulating discipline and rights of appeal of non-gazetted Railway servants". If under these rules an appeal lies to the Agent it is dealt with by him.
- (c) Principal officers do not carry out all the duties of the Agent but only those in which powers have been delegated to them.

- (d) The principal officers are responsible to the Agent for their action and the Agent accepts responsibility on behalf of the Railway.

ESTABLISHMENT BRANCHES UNDER CERTAIN OFFICERS OF THE EAST INDIAN RAILWAY.

48. Dr. N. B. Khare: Will Government please state:

- (a) the justification in having an Establishment Branch by the following officers on the East Indian Railway:

- (i) Agent;
- (ii) Chief Operating Superintendent;
- (iii) Chief Commercial Manager;
- (iv) Chief Engineer;
- (v) Chief Mechanical Engineer;
- (vi) Deputy Chief Mechanical Engineers, Lillooah and Jamalpur;
- (vii) Chief Electrical Engineer;
- (viii) Deputy Chief Electrical Engineer, Jamalpur;
- (ix) Chief Accounts Officer;
- (x) Deputy Chief Accounts Officer (Traffic);
- (xi) Superintendent, Watch and Ward;
- (xii) Divisional Superintendents, Howrah, Asansol, Dinapore, Jamalpur, Allahabad, Lucknow and Moradabad;
- (xiii) Traffic Manager (Coal);
- (xiv) Assistant Divisional Superintendent, Dhanbad; and
- (xv) Divisional Accounts officers;

- (b) the strength of each Establishment Branch of the said 15 officers;
- (c) the expenditure of each Establishment Branch of the said 15 officers; and
- (d) the number of staff files maintained and dealt with by each Establishment Branch of the said 15 officers?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (c). Government have no information whether there are separate establishment branches under all the officers referred to in the question, the strength of such branches and the expenditure incurred thereon, but these are matters of detailed administration entirely within the competence of the Agent to whom I am sending a copy of the question for information and such action as he may consider necessary.

(d) The information required is not readily available and Government consider that its collection would involve an amount of labour and expense not likely to be justified by results.

SETTLEMENT OF DUES OF STAFF ON THE EAST INDIAN RAILWAY ON DISCHARGE.

49. Dr. N. B. Khare: (a) Will Government please state the policy and procedure of settlement of dues of staff on the East Indian Railway on discharge as per terms of agreement?

(b) Will Government please state whether it is a fact that on the East Indian Railway in general and in the Moradabad Division in particular the staff discharged as per terms of agreement are never paid on the date of termination of service but after months and years?

The Honourable Sir Muhammad Zafrullah Khan: (a) The policy is to arrange settlement as soon as practicable.

(b) Government have no reasons to believe that the staff on the termination of service on the East Indian Railway are harassed and not paid their dues as early as practicable.

DEPUTY AGENT DEALING WITH ESTABLISHMENT MATTERS ON THE EAST INDIAN RAILWAY.

50. **Dr. N. B. Khare:** (a) Is it a fact that in the Classified List of State Railway Establishment and Distribution Return of Establishment of all Railways corrected up to 31st December, 1934, the posts of Deputy Agents, Personnel, on the State-Managed Railways have been shown as "3 years tenure posts"?

(b) Is it also a fact that the Deputy Agent who deals with the establishment matters on the East Indian Railway has been exempted from holding a tenure post? If so, why?

(c) If the answers to parts (a) and (b) be in the affirmative, will Government please state the reasons for this exemption?

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

(b) The orders declaring the posts of Deputy Agents on State-managed Railways as tenure posts were issued on the 28th February, 1934, and were not applicable to officers who had been confirmed as Deputy Agents prior to that date. The present Deputy Agent of the East Indian Railway having already been confirmed in that post from the 4th November, 1931, the orders referred to do not apply to him.

(c) Does not arise.

DOWN DUPLICATE DARJEELING MAIL FROM SILIGURI TO CALCUTTA RUN ON THE 30TH JUNE, 1935.

51. **Dr. N. B. Khare:** (a) Will Government please state whether a Down Duplicate Darjeeling Mail was run by the Eastern Bengal Railway from Siliguri to Calcutta, on the 30th June, 1935?

(b) Is it a fact that the travelling public were not permitted to travel by this Duplicate Mail?

(c) Is it also a fact that orders were issued for 2 Down Darjeeling Mail (the regular service) to act as Advance Pilot from Siliguri to Calcutta for the Down Duplicate Darjeeling Mail?

(d) Is it further a fact that a printed Notice, Special Train Notice No. 40 of 1935, marked 'Confidential', was issued over the signature of the Traffic Manager giving detailed instructions regarding the composition, advance pilot, setting of points, etc. of the Down Duplicate Darjeeling Mail?

(e) If the answers to parts (a) to (d) be in the affirmative, will Government please state whether the train that was run on the 30th June, 1935, from Siliguri to Calcutta was a Special Train or was it a Duplicate Mail Train run to clear the passengers left behind by the Mail Train?

(f) What action do Government propose to take to recover the amount due on this Special Train and against that staff who are responsible for this?

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

(e) It was a duplicate mail train arranged to clear a large party and their luggage which could not be cleared by the ordinary train, the traffic offering for which was considerable.

(f) Does not arise.

SPECIAL CASUAL LEAVE GRANTED TO THE INFERIOR STAFF OF THE WATCH AND WARD DEPARTMENT OF THE EAST INDIAN RAILWAY.

52. **Dr. N. B. Khare:** (a) Is it a fact that the inferior staff of the Watch and Ward Department of the East Indian Railway are given special casual leave?

(b) Is this privilege extended to the inferior staff of the other departments on that Railway?

(c) If the answer to part (b) be in the negative, will Government please state the reasons for this differential treatment to one class of their employees?

(d) Are there any other privileges granted to the inferior staff of the Watch and Ward Department which are denied to the inferior staff of other Departments? If so, what?

(e) Are there any privileges granted to the subordinate staff of the Watch and Ward Department which are denied to the subordinates of other Departments, and if so, what?

(f) Do Government propose to extend the privilege of special casual leave to the inferior staff of the other Departments on the East Indian Railway, and if not, do Government propose to withdraw this preferential treatment with immediate effect, and if not, why not?

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

(b) No.

(c) In the interests of efficiency the policy is to recruit the inferior staff for this Department at some distance from the locality in which they are to be employed but as leave admissible under the ordinary rules, is not sufficient to attract the particular type of men required, Government have sanctioned special casual leave.

(d) and (e). No.

(f) The reply to the first part of the question is in the negative. As regards the latter part, the question whether the concession granted to the Watch and Ward staff should continue is under consideration.

DISPOSAL OF APPEALS AGAINST ORDERS OF DISCHARGE ON STATE RAILWAYS.

53. **Dr. N. B. Khare:** (a) Will Government be pleased to state whether appeals against orders of discharge from the subordinate staff on the State-Managed Railways are disposed of on *prima facie* evidence?

(b) If the answer to part (a) be in the negative, will Government please state whether the Railway Department, when entertaining appeals, dispose of these appeals on the *prima facie* reasons for the action taken by the authorities concerned?

The Honourable Sir Muhammad Zafrullah Khan: The procedure for dealing with the appeals from non-gazetted railway staff is laid down in the "Rules regulating discipline and rights of appeal of non-gazetted Railway Servants", a copy of which is in the Library of the House.

POST OF DEPUTY CHIEF COMMERCIAL MANAGER, CLAIMS AND REFUNDS,
EAST INDIAN RAILWAY.

54. **Dr. N. B. Khare:** (a) Is it a fact that in the Revised Estimate, 1934-35, and Budget Estimate, 1935-36, issued by the Railway Board and supplied to Members of this House, it is shown in Statement I, Commercial Branch, of the East Indian Railway, that the post of Deputy Chief Commercial Manager, Claims and Refunds, Rs. 1,750-50-2,000 or Rs. 1,950 fixed, has been "held in abeyance"?

(b) If the answer to part (a) be in the affirmative, will Government please state whether the post of Deputy Chief Commercial Manager, Claims and Refunds, has been successively filled by Messrs. D. H. Keelan and E. E. Ellis, and on the retirement of Mr. Ellis, by Mr. U. C. Sandys *vide* Railway Board's Notification No. E.II-35. N.O.-13.I, published in the *Gazette of India*, dated the 17th August, 1935?

(c) Will Government please state how the Chief Accounts Officer of the East Indian Railway has passed the pay bill when it is distinctly stated that the post has been "held in abeyance"?

(d) What action do Government propose to take in the matter?

(e) Do Government propose to recover the amount paid against budget sanction from the pay and property of the Chief Accounts Officer? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: The post actually held in abeyance was that of Commercial Manager (Claims and Refunds) and not that of a Deputy Chief Commercial Manager (Claims and Refunds) and the remark 'held in abeyance' against the latter post was an error made in compilation. However, just as the mere provision made for an item in a budget does not constitute a sanction for expenditure, so also a mere statement in the budget 'held in abeyance' does not constitute an order to the railway concerned that the post should be held in abeyance. Separate formal orders are always issued to create or abolish a post or to hold it in abeyance, and it is these orders that constitute proper authority in the matter to the railway administration and to accounts and audit officers.

WATCH AND WARD DEPARTMENT ON THE EAST INDIAN RAILWAY.

55. **Dr. N. B. Khare:** (a) Arising out of the reply given in this House to starred question No. 1443 on the 4th April, 1935, will Government please state whether the following instructions were sent by the Railway Board to the Agent of the East Indian Railway:

"I am directed to say that after a careful consideration of the question the Railway Board have come to the conclusion that there are no substantial grounds for maintaining the Watch and Ward organisation on your railway in the existing form and that steps should be taken to bring the organisation into line with that on the Great Indian Peninsula Railway.

The Board have also decided that the posts of Superintendent, Watch and Ward, and Assistant Superintendent, Watch and Ward, should be abolished from the date of final retirement of Mr. L. Withinshaw, i.e., 22nd August, 1935, as they consider that two gazetted officers should be sufficient for the organisation on the East Indian Railway, viz., one Deputy Superintendent in the scale Rs. 1,250-1,500 and one Lower Gazetted Service Officer in the scale of Rs. 350-30-800'?

(b) If the answer to part (a) be in the affirmative, will Government please state whether their orders have been given effect to from the 22nd August, 1935?

(c) Will Government please state the reasons for keeping the scales of pay of the Deputy and the Lower Gazetted Officer on the old scale of pay instead of the revised scale? Is this in keeping with the policy of Government in the other departments on the State-Managed Railways?

(d) Is it a fact that a proposal has been put forward to retain the post of Superintendent but to abolish that of the Deputy?

(e) Will Government please state whether the Watch and Ward organisation on the East Indian Railway will be placed under the Traffic Department as is done on the other State-Managed Railways, and if not, will Government please state the reasons for this departure of procedure?

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

GRANT OF LEAVE TO THE STAFF OF THE IMPERIAL LIBRARY, CALCUTTA.

56. **Dr. N. B. Khare:** (a) Will Government please state whether a leave reserve staff is provided for the purpose of replacing casualties as well as to enable the staff of the Imperial Library, Calcutta, to get recorded leave?

(b) Is it a fact that leave is frequently refused to the clerical staff on the plea that no relief is available or that funds are not available?

(c) Is it further a fact that over Rs. 1,000 are earned annually by the Imperial Library in the shape of interest on deposits placed with it against loan of books?

(d) If the answers to parts (a) to (c) be in the affirmative, are Government prepared to consider the advisability of utilising some of the amount received as interest so as to enable the staff to readily obtain leave? If not, what arrangements do Government propose to make?

Sir Girja Shankar Bajpai: (a) and (b). No.

(c) No. a sum of Rs. 440 approximately is received annually on account of interest on deposits placed with the Imperial Library, Calcutta, as security against books issued from it on loan. Government have decided to add an approximately equal amount, namely, Rs. 500 to the Library budget every year.

(d) In view of the answer to part (b) this does not arise.

HEAVY CONSUMPTION OF COAL BY DRIVERS ON THE EASTERN BENGAL RAILWAY

57. **Dr. N. B. Khare:** (a) Will Government please state whether it is the procedure on the Eastern Bengal Railway to take disciplinary action against drivers "for being heavy on coal"?

(b) Is it a fact that "heavy on coal" can be due to mechanical defects in the engine, such as, smoke-boxes drawing in air, joints in the smoke-boxes blowing, defects in the boiler, etc., as well as to the use of inferior quality of coal?

(c) If the answer to part (b) be in the affirmative, will Government please state whether drivers have logged the mechanical defects found in their engines in the Engine Repairs Book?

(d) If the answers to part (a) and the second part of part (c) be in the affirmative, will Government please state whether:

- (i) a proper inquiry is held by the District Loco. Superintendent with a view to ascertaining the actual causes of the heavy consumption of coal before inflicting any punishment on the driver;
- (ii) the driver is called upon to explain in writing the reasons for the increased consumption of coal before any disciplinary action is taken;
- (iii) drivers have been punished for heavy consumption of coal without first obtaining their written defence;
- (iv) there is any rule which lays down that when an engine is heavy on fuel consumption, the District Loco. Superintendent must travel on the engine to locate the defects, and if so, whether this rule is observed;
- (v) the Loco. Foreman, the Fuel Inspector, the Loco. Inspector and the District Loco. Superintendent are technically qualified to give expert opinion on the quality of coal supplied to the Loco. Sheds;
- (vi) the coal is supplied from the State Railways collieries or from privately owned collieries; and
- (vii) any systematic check is maintained on the quality of the coal supplied and whether proper records are maintained?

(e) Is it a fact that punishments "for being heavy on coal" take the form of:

- (i) fines;
- (ii) withholding of increments for at least six months;
- (iii) transfer from mail and express trains to passengers or goods trains; and
- (iv) withholding promotions from the passengers or goods trains to mails and express trains?

(f) Is it also a fact that the Loco. Shed at Chitpore supply 5 cwts. of coal in addition to 9 tons per trip for the use of the steam man to light the engine?

(g) If the answer to part (f) be in the affirmative, will Government please state the reasons why a similar supply is not made by the Loco. Shed at Calcutta?

The Honourable Sir Muhammad Zafrullah Khan: (a), (c), (d), (i), (ii), (iii), (iv), (v), and (vii), (e) (f) and (g). Government have no information. These are matters of detailed administration which must be left to the Local Administration, whom a copy of the question has been sent for information and such action as may be considered necessary.

(b) Yes.

(d) (vi) Both.

SAFETY OF THE TRAVELLING PUBLIC ON THE EASTERN BENGAL RAILWAY AGAINST DEFECTIVE DIAGRAM.

58. **Dr N. B. Khare:** (a) Is it a fact that:

- (i) the drivers on the Eastern Bengal Railway stationed at Calcutta have been working for the past year under rest at out-stations;
- (ii) the rest as laid down by the rules is eight hours;
- (iii) it now averages four hours;
- (iv) the period of rest is calculated after the driver has made over his engine at the Loco. Shed and up to the time the Call Book is sent out;
- (v) (as instances) the engine crews of 21-Up which arrives at Ishurdih at 17-55 hours are required to leave again at 23-15 hours by 26-Down and that of 11-Up which arrives at 21-30 hours are required to return with 28-Down at 2-00 hours for all night trips;
- (vi) the diagram has been so arranged as to increase the engine mileage;
- (vii) as a result of this diagram the engine crews are out mostly at nights;
- (viii) this frequent night trips are likely to adversely affect the health of the man on the look out for signals and cause him to nod while on the look out; and
- (ix) the Loco. Inspector, Organising Section, who drew up this diagram has been promoted as Assistant Loco. Superintendent?

(b) Will Government please state whether an accident recently took place at Barrackpore when the driver of 38-Down ran against signals and crashed into a Goods train?

(c) Is it a fact that the driver urged in his defence that as a result of the diagram he had been excessively on night duty with the result that nature supervened at an awkward moment and the accident occurred?

(d) Will Government please state what disciplinary action do they propose to take against the officials responsible for sanctioning such a diagram? If none, why not?

(e) Is the Government Inspector of Railways required to approve of diagrams before they are put into operation?

(f) What action do Government propose to take to ensure the safety of the travelling public?

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

RISK OF ACCIDENTS TO PASSENGERS AT CERTAIN STATIONS ON THE EASTERN BENGAL RAILWAY.

59. **Dr. N. B. Khare:** (a) Is it a fact that on the Eastern Bengal Railway at stations where trains carrying passengers cross, the first train is received on the line off the platform and the other train from the opposite direction is received on the platform line?

(b) Are Government aware that it is dangerous to detrain passengers on the track when another train is due to arrive on the platform line?

(c) Is it also a fact that the trains crossing stand parallel to each other instead of crossing and standing brake to brake?

(d) If the answers to parts (a) to (c) be in the affirmative, will Government please state what action do they propose to take to reduce the risk of accidents to passengers? Do Government propose to consult the Government Inspector of Railways, and if not, why not?

(e) Is it a fact that 5 Up, 6 Down, 7 Up, 8 Down, 29 Up, 33 Up, 31 Up and 32 Down cross 420 Down, 419 Up, 24 Down, 407 Up, 35 Up, 23 Up, 96 Down, 278 Down, 34 Down, 378 Down, 97 Up, 34 Down and 99 Up?

The Honourable Sir Muhammad Zafrullah Khan: (a) This is not the normal procedure. I am placing on the table an extract of Rule 37m(ix) of the Eastern Bengal Railway's General and Subsidiary Rules which prescribes the procedure for berthing passenger trains crossing at a station where there is only one platform when both trains are booked to halt at that station. If one of the trains is not booked to stop at the station, it is run through on the straight line which at some stations is the platform line: the other train standing on an adjacent line.

(b) Yes, but steps are taken to warn passengers against standing on the track on which the other train is to pass or be received.

(c) No.

(d) I understand that so far as can be ascertained from the records readily available for the past three years, there has been no accident to justify the adoption of the only other alternative procedure which would result in the slowing down of the train services.

(e) The time-table does not show that all the trains detailed in the first part cross all the others shown in the second part. Most trains, however, in the course of their journey cross one or more trains *en route* on the single line.

Supplementary Rule 37m (ix) reads as follows:

"Berthing passenger trains crossing at a station.—When two passenger trains cross at a station where there is only one platform, the train, which is expected to arrive first, shall be received on the station platform line, and that which is expected to arrive second shall be received on the second line. Both trains shall be taken far enough forward to leave a space between the rear brake-vans, where this is possible, without fouling the crossing at either end of the loop. Even if the train expected first is delayed and the train expected last actually arrives first, both trains shall still be received on the lines first arranged for them and no change in this arrangement is permissible. But if, owing to the train expected first being delayed, the train in the opposite direction is actually received first, the delayed train, which is to be received on the platform line, shall be detained outside the Outer signal until all passengers leaving by or alighting from the train on the second line have respectively been entrained or brought on to the platform and the platform line is clear of passengers."

APPOINTMENT OF STAFF ON OLD SCALES OF PAY INSTEAD OF NEW SCALES ON THE EASTERN BENGAL RAILWAY.

60. **Dr. N. B. Khare:** (a) Is it a fact that the Classified List of subordinate staff of all departments on the Eastern Bengal Railway on pay of Rs. 250 and above or on scale of pay rising to Rs. 250 and above, corrected up to 30th September, 1934, shows that thirteen men were appointed during 1933 and 1934 on the old scales of pay instead of the revised scales of pay?

(b) Is it a fact that Government have introduced the revised scales of pay with effect from the 16th July, 1931?

(c) Is it also a fact that all these appointments were made by the officials attached to the Head Office at Calcutta and that all the establishment sections are under the direct control of the Deputy Agent, Personnel?

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

RULES GOVERNING THE GRANT OF DUTY AND PRIVILEGE PASSES TO CERTAIN OFFICERS OF THE EASTERN BENGAL RAILWAY RESIDING AT BARRACKPORE, KANKINARA, ETC.

61. **Dr. N. B. Khare:** (a) Is it a fact that certain gazetted officers of the Eastern Bengal Railway, employed in the offices at Calcutta, reside at Barrackpore, Kankinara, etc.?

(b) If the answer to part (a) be in the affirmative, will Government please state whether these officers travel on the Duty Passes issued to them while travelling to attend office at Calcutta daily?

(c) Will Government please state whether the time and travel from residence to office is a duty?

(d) If the answer to the second part of part (b) be in the affirmative, will Government please state whether this action of theirs is in accordance with the rules governing Free Passes?

(e) If the answer to the second part of part (b) be in the negative, will Government please state whether they travel on monthly tickets issued at public rates, or on monthly tickets issued at the Railway employees concession rates, or on tickets purchased daily and of the class in which they travel?

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

(c) No.

(d) Yes: the practice was authorised by the Agent in the exercise of his discretionary powers.

(e) Does not arise.

RECORDING OF VERBAL WARNINGS IN THE SERVICE BOOKS OF SUBORDINATES ON THE EASTERN BENGAL RAILWAY.

62. **Dr. N. B. Khare:** Will Government please quote the rule which permits the officers of the Eastern Bengal Railway to verbally warn subordinates and then to record such censures in their Service Records without obtaining their written defence first and advising them of the action taken?

The Honourable Sir Muhammad Zafrullah Khan: There is no such rule.

ALLEGATIONS AGAINST THE DEPUTY AGENT, PERSONNEL, AND THE TRAFFIC MANAGER, EASTERN BENGAL RAILWAY.

63. **Dr. N. B. Khare:** (a) Arising out of the reply given in this House to parts (c) and (d) of starred question No. 1337 on the 2nd April, 1935, will Government please state whether the Deputy Agent, Personnel, and the Traffic Manager of the Eastern Bengal Railway, acted against the rules referred to in reply to starred question No. 1016 on the 18th September, 1933, which reads:

“(b) There are instructions already in existence laying down that the salary of a Government servant should not be charged against any post other than that in which he is working”?

If so, what action do Government propose to take against those officials?

(b) Is it a fact that the advertisements issued by the Eastern Bengal Railway invited applications for the posts of “Inspectors for the Crews”; and that the Traffic Manager, in his notification No. 272 in that Railway’s Gazette No. 9 of 1935 issued in May 1935, has described these men as ‘Special Inspectors’?

(c) If the answers to part (b) be in the affirmative, will Government please state when the change in the nature of work and the designation of these men took place and when were they given the salary referred to in part (e), (ii) of starred question No. 1337 asked on the 2nd April, 1935?

(d) Is it a fact that these men were also described as Commercial Inspectors and that their salary was disallowed by the Accounts Department on the ground that there was no sanction for the posts of Commercial Inspectors?

(e) Is it also a fact that a Selection Board was convened to interview certain outsiders who had applied for the posts of Inspectors for Crews in January, 1935, and that four men who are employed on the Eastern Bengal Railway have been promoted to those posts?

(f) If the answer to part (e) be in the affirmative, will Government please state why men without previous railway experience were not appointed on this occasion; and why the public were put to the unnecessary expense and trouble of applying for the posts and appearing before the Selection Board; and also state the designations and substantive salaries the men were in receipt of prior to their promotions?

(g) Is it a fact that rule 64 of the Rules for Recruitment and Training of Subordinate Staff on the State-Managed Railways provides that the Agent personally or when one Deputy Agent deals with staff or personnel matters may “in special circumstances and for reasons to be recorded, relax or modify the provisions of these rules”?

(h) If the answer to part (g) be in the affirmative, will Government please state the reasons for which the Agent or the Deputy Agent, Personnel, relaxed the rule so as to permit of the advertisement to issue in June 1934 (i) for applications for the posts of Inspectors for the Crews; (ii) their appointments on the maximum pay of the posts; (iii) the selection of men without previous railway experience; (iv) their services to be utilised in posts other than the posts for which they were to be recruited; (v) the alteration of their emoluments which originally were Rs. 200 plus travelling allowance to Rs. 200 which includes travelling allowance; and (vi) the recruitment of staff in the service for the posts advertised in January 1935?

(i) What amount comprises in Rs. 200 as travelling allowance?

(j) Is it a fact that the Deputy Agent, Personnel, was one of the members of the two Selection Boards that interviewed candidates on the two occasions when men were appointed?

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

POWER OF DISCHARGE OF A SUBORDINATE EMPLOYEE BY A SENIOR SCALE OFFICER ON THE EAST INDIAN RAILWAY WITHOUT CONSULTING THE DIVISIONAL SUPERINTENDENT.

64. **Dr. N. B. Khare:** (a) Arising out of the reply given in this House to starred question No. 555 (1) to (3) on the 28th February, 1935, will Government please state whether a Senior Scale Officer on the East Indian Railway can discharge a subordinate employee without consulting the Divisional Superintendent at any stage of the case?

(b) Will Government please state whether the order of discharge must be passed by the Superintendent, Transportation, Commercial, Power, as the case may be, under whom the employee is working, or by the Superintendent, Staff?

(c) In such instances, should the letter of discharge be signed by the officer who has passed the order or by the Superintendent or Assistant Superintendent, Staff?

(d) Will Government state whether the letter of discharge be signed with the designation of the officer passing the order or be signed ‘for Divisional Superintendent’? If “for Divisional Superintendent” who is the authority for passing orders—Divisional Superintendent or the officer signing it?

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

(b) An order of discharge may be passed either by the senior scale officer under whom the employee is working or by the Superintendent Staff.

(c) The letter intimating an order of discharge may be signed by any officer so long as a properly authorised officer has passed the actual orders.

(d) All such letters which are not signed by the Divisional Superintendent are signed “for Divisional Superintendent”. In the latter case they merely convey the order which has been passed by the properly authorised officer and the fact that the letter is signed “for Divisional Superintendent” does not make it a personal order of the Divisional Superintendent.

DISPOSAL OF APPEALS OR MEMORIALS FORWARDED BY THE RAILWAY BOARD TO THE AGENT, EAST INDIAN RAILWAY.

65. **Dr. N. B. Khare:** (a) Arising out of the reply given in this House to part (b) of starred question No. 567 on the 28th March, 1934, will Government please state whether the appeals or memorials which have been forwarded by the Railway Board to the Agent of the East Indian Railway for disposal are required to be carefully considered by the Agent?

(b) If the answer to part (a) be in the affirmative, will Government please state whether the Agent is required to inform the appellant or memorialist, as the case may be, of the decision he has arrived at on the appeal or memorial?

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(c) If the answers to parts (a) and (b) be in the negative, will Government please state the reasons for the unnecessary clerical labour which is involved in the office of the Railway Board and in that of the Agent of the East Indian Railway?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government are informed that when an appeal or memorial is forwarded to the Agent by the Railway Board for disposal and when an appeal lies to the Agent, it is carefully considered by the Agent, before final orders are issued. When under the rules no appeal lies to the Agent, it is ordinarily forwarded for disposal to the authority to whom the appeal lies.

(b) In all cases in which an appeal lies to the Agent and it is addressed to him or is forwarded to him by the Railway Board, the final orders of the Agent are communicated to the appellant after the appeal has been carefully considered.

(c) Does not arise.

DISCHARGE OF SUBORDINATE RAILWAY EMPLOYEES

66. **Dr. N. B. Khare:** (a) Is it a fact that the Agent, East Indian Railway, in his Minute Sheet No. C.A.O.'s-E./S./10/35, Pt. II, dated the 4th April, 1935, has stated:

"Submitted with reference to the decision of the Joint Committee—vide pages 48—65 of file No. A.T.-784, Vol. 2—put up below. As the men of Outstanding Section belong to the Commercial Department those of them who are surplus and are not required by the Chief Accounts Officer should be transferred to the Chief Commercial Manager who should fit them into his office by discharging a corresponding number of men based on shortness of service. The men so discharged should be got rid of in terms of their agreements as the Special retrenchment terms are no longer available.

D. CARMODY,—18-4-35."

(b) What are the terms of agreements under which an employee is discharged and who is the competent authority to terminate the service as per agreement?

(c) If the answer to part (a) be in the affirmative, will Government please state whether the act of discharging employees with short service without making any attempts to absorb them in vacancies in the offices at Calcutta, Howrah, and the Divisions, is in accordance with the rules laid down by Government, and if not, do Government propose to discharge the official responsible in the office of the Agent for breach of rules? If not, why not?

(d) Are officials who deal with establishment matters required to be well acquainted with establishment rules?

(e) How many men have been discharged?

(f) Will Government please state whether attempts will now be made to provide the men referred to in (a) with employment?

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

SITTING OF RELATIVES OF SUBORDINATES IN THE GAZETTED SERVICE AS MEMBERS OF SELECTION BOARDS ON THE EAST INDIAN RAILWAY.

67. **Dr. N. B. Khare:** Do Government propose to issue instructions to the Agent of the East Indian Railway to discontinue immediately the

practice of sitting of relatives of railway subordinates who are in the gazetted service as members of Selection Boards before which their relatives appear as candidates? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: Government are issuing instructions to the Agent, East Indian Railway, that in order to inspire full confidence in Selection Boards, it is desirable that officers whose relatives are to be considered for appointment should not be members of the Selection Board.

RULES FOR THE RECRUITMENT AND TRAINING OF SUBORDINATE STAFF ON STATE-MANAGED RAILWAYS.

68. **Dr. N. B. Khare:** (a) Arising out of the reply given in this House to parts (a) to (e) and (g) of starred question No. 1442 on the 4th April, 1935, will Government please state whether the Railway Board issued rules for the recruitment and training of subordinate staff on the State-managed Railways for the guidance of the officials concerned?

(b) Is it a fact that in these rules provisions have been made for selection posts or selection grades and are described as Annexure H?

(c) Are Government now prepared to frame necessary rules in the light of the questions asked in starred question No. 1442 of 4th April, 1935, for the information and guidance of the staff? If not, why not?

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

(b) Provision has been made for selection posts or selection grades in Annexure II of the 'Rules for the recruitment and training of subordinate staff' issued by the East Indian Railway, a copy of which is in the Library of the House.

(c) The reply to the first part of the question is in the negative. As regards the latter, I would invite the Honourable Member's attention to the reply given by Mr. Rau in this House on the 4th April, 1935 to parts (b) to (e) of Mr. Sham Lal's starred question No. 1442.

UNOFFICIAL TRAINING OF THE SONS OF GAZETTED OFFICERS AND SUBORDINATE EMPLOYEES ON STATE-MANAGED RAILWAYS.

69. **Dr. N. B. Khare:** (a) Arising out of the reply given in this House to starred question No. 1338 on the 2nd April, 1935, will Government please state whether the sons of the two gazetted officers of the East Indian Railway who were unofficially trained in railway working have since been provided with jobs?

(b) If the answer to part (a) be in the affirmative, will Government please state:

- whether they have been appointed in the Departments where they were unofficially trained;
- the salaries and grades in which they have been appointed; and
- whether they had to appear before Selection Boards before they were appointed?

(c) Will Government please state whether other men were appointed at the same time, and if so, how many and on what salaries, whether these men had any previous railway experience, and whether they are retired or retrenched hands?

(d) Has any provision been made in the Rules for Recruitment and Training of Subordinate Staff on the State-Managed Railways for the unofficial training of the sons of gazetted officers and subordinate employees?

(e) If the answer to part (d) be in the negative, will Government please state whether the Agent has powers to alter or to relax the rules referred to in part (d) and if so, was his sanction obtained before these men were put on to learn railway working?

(f) If the answer to the second part of part (e) be in the negative, will Government please state whether they propose to take disciplinary action against the officers concerned who sanctioned the unofficial training of the men concerned?

(g) Are gazetted officers on the East Indian Railway exempt from being punished when they have committed breach of rules framed by Government?

(h) Will Government please state whether it is a fact that under the Public Service Commission Rules canvassing is a disqualification for service? If so, is the Governor General in Council prepared to take action against the officer under the Government Servants Conduct Rules and to summarily dismiss and disqualify the candidates? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government are informed that the two men referred to have been appointed temporarily as clerks.

(b) (i) Yes.

(ii) Rs. 65 in the scale of Rs. 65—5/2—85.

(iii) No.

(c) Five other men were appointed at the same time on the same pay. Four of them had no previous railway experience and one was a retrenched hand of the East Indian Railway.

(d) No.

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

(f) and (h). I would refer the Honourable Member to the reply given by Mr. P. R. Rau to part (c) of question No. 1838 in this House on the 2nd April, 1935. Government do not consider any further action is necessary.

(g) No.

PAUCITY OF FACILITIES FOR SUBORDINATE INSPECTING STAFF ON THE EAST INDIAN RAILWAY.

70. **Dr. N. B. Khare:** (a) Arising out of the reply given in this House to starred question No. 1835 on the 2nd April, 1935, will Government please state the designations of the 35 administrative officers and the 17 heads of departments (including the Agent) on the East Indian Railway?

(b) Is it a fact that there are 25 bogie, 1 six-wheeler and 101 four-wheeler inspection carriages for 35 administrative officers and nearly 300 executive and assistant officers?

(c) How many executive and assistant officers there are on the East Indian Railway?

(d) Are inspection carriages provided for the subordinate inspection staff?

(e) What facilities have these subordinate Inspectors when they are inspecting stations where there are no rest houses? Is it a fact that numerous stations have not even been provided with Waiting Rooms?

(f) Will Government please state the designations of the officers required to perform inspection in early hours of the morning?

The Honourable Sir Muhammad Zafrullah Khan: (a) A statement showing the designations of the 35 administrative officers referred to by the Honourable Member is laid on the table. Eleven Heads of Departments (including the Agent) and six Divisional Superintendents are included among these 35 administrative officers and are not additional thereto.

(b) Yes.

(c) 297.

(d) Yes, for the subordinate staff whose duties necessitate such provision.

(e) Subordinate inspecting staff for whom carriages are not provided are permitted to so arrange their inspections that nights need not be spent at stations at which no rest facilities exist. There are numerous stations at which waiting rooms are not provided.

(f) All officers may be required to perform inspections during the early hours of the day but officers of the Engineering Department are principally affected.

Statement showing the designations of the 35 Administrative officers on the East Indian Railway.

Agent,
Controller of Stores,
Chief Operating Superintendent,
Chief Commercial Manager,
Chief Engineer,
Chief Electrical Engineer,
Chief Mechanical Engineer,
Chief Medical Officer,
Divisional Superintendents,
Superintendent, Watch and Ward,
Colliery Superintendent,
Chief Accounts Officer,
Deputy Agents,
Deputy Agent (Organisation),
Deputy Chief Operating Superintendent (Movement),
Deputy Chief Operating Superintendent (Power),
Deputy Chief Commercial Manager (Claims),
Deputy Chief Commercial Manager (Rates),
Deputy Controller of Stores,
Deputy Chief Engineers,
Deputy Chief Engineer (Signals),
Deputy Chief Mechanical Engineers, and
Deputy Chief Accounts Officers.

OVERCROWDING OF THIRD CLASS CARRIAGES ON THE EAST INDIAN RAILWAY.

71. **Dr. N. B. Khare:** (a) Has the attention of Government been drawn, in this House and through complaints received from various bodies, to the overcrowding of third class carriages on the East Indian Railway?

(b) Is it a fact that if additional carriages are attached to passenger and express trains, the overcrowding of passengers travelling in the third class will be reduced, if not done away with?

(c) If the answer to part (b) be in the affirmative, will Government please state why additional bogies are not attached?

(d) With reference to the reply to starred question No. 1335 (f) asked on the 2nd April, 1935, are Government prepared to consider the advisability of increasing the load of express and passenger trains on the East Indian Railway by one bogie carriage? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) I understand there have been certain cases of overcrowding which have been discussed at various meetings of the East Indian Railway's Local Advisory Committees, but Government have not received any specific complaint. On the general question of overcrowding, I would refer the Honourable Member to the reply given by Mr. P. R. Rau to Prof. Ranga's question No. 55 on the 6th February, 1935.

(b) Obviously the provision of additional carriages must mean an increase in the accommodation available.

(c) The actual composition of each train is governed by the requirements of traffic normally carried by such train, subject to the load not exceeding the hauling capacity of the locomotive.

(d) I will convey the Honourable Member's suggestion to the Agent, East Indian Railway, for consideration. While, however, an overload may be permitted occasionally to meet special circumstances, to allow it as a regular measure must militate seriously against operating efficiency.

CONDITIONS TO BE FULFILLED BY AN EMPLOYEE OF THE EAST INDIAN RAILWAY TAKEN OVER FROM THE COMPANY BY GOVERNMENT IN CERTAIN RESPECTS.

72. Dr. N. B. Khare: (a) Will Government please state what the conditions are that must be fulfilled by an employee of the East Indian Railway who has been taken over from the Company by Government, and who has been recruited since Government have taken over the management, to qualify for gratuity?

(b) Is it a fact that in the cases of employees taken over from the Company by Government:

(i) the service for gratuity must be verified by the Accounts Officer who may, however, rely on a certified copy of the service sheets;

(ii) Form G. 198-A, must be filled by the head of the department and certified by the Chief Accounts Officer that gratuity is admissible before payment is made;

(iii) in Form G. 198-A, the reasons for the termination of service and any special remarks as to the quality of service must be clearly stated; and

(iv) the only power delegated to the Agent is that he is permitted to condone breaks in service of subordinate servants under certain conditions?

Mr. P. R. Rau: (a) The Rules for the grant of gratuity to the staff taken over from the East Indian Company and also to staff recruited by Government for railway service are available in the Library of the House.

(b) (i) to (iii). Yes.

(iv) No. The Honourable Member's attention is invited to rules 2 and 30 of the East Indian Railway Rules referred to above.

RULES REGULATING THE DISCHARGE, DISMISSAL AND APPEALS OF THE SUBORDINATE STAFF ON THE EAST INDIAN RAILWAY.

73. Dr. N. B. Khare: (a) Is it a fact that Railway Board, *vide* their letter No. 4080-E, dated the 15th November, 1929, forwarded Rules regulating the discharge, dismissal and appeals of the subordinate staff to the Agent, East Indian Railway; and that these rules were not retrospective in their application?

(b) If the answer to the second part of part (a) be in the negative, will Government please quote the rule which permits of the application of these rules with retrospective effect?

The Honourable Sir Muhammad Zafrullah Khan: (a) The reply is in the affirmative.

(b) Does not arise.

INTRODUCTION OF A POST OF SPECIAL INVESTIGATING INSPECTOR ON THE EAST INDIAN RAILWAY.

74. Dr. N. B. Khare: (a) Arising out of the reply given in this House to part (b) of starred question No. 1358 on the 26th January, 1935, will Government please state the reasons why the Agent, East Indian Railway, considered it necessary to introduce a new post of Special Investigating Inspector in Grade Rs. 160—10—220?

(b) Will Government please state whether this post was sanctioned after the Job Analysis had been completed?

The Honourable Sir Muhammad Zafrullah Khan: The reasons for the creation of the post of special Investigating Inspector were given in reply to Mr. Bower's question No. 1358 placed on the table of the House on the 26th January, 1934. As regards the rest Government have no information. These are matters of detailed administration which must be left to the local Administration to decide.

PRIVILEGES IN THE MATTER OF PAY, ALLOWANCES, ETC., TO TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

75. Dr. N. B. Khare: With reference to the statement laid on the table of the House on the 21st January 1935 in reply to starred question No. 690 asked on the 20th August, 1934, regarding privileges in the matter of pay, allowances, etc., to Travelling Ticket Examiners on the North Western Railway, will Government please state:

(a) the datum or considerations under which Mr. Bishen Singh drawing Rs. 75, was temporarily given Rs. 140 and daily allowance admissible under the rules;

- (b) whether such datum or considerations were also accorded to all other Travelling Ticket Examiners on transfer from the Accounts Department to the Operating Department on the Eastern Bengal, the East Indian, the North Western and Burma Railways, and if not, the reasons for such preferential and prejudicial treatments;
- (c) whether the pay of the Travelling Ticket Examiners on transfer from the Accounts Department to the Operating Department was fixed in accordance with Fundamental Rule 22 (a); and
- (d) whether the Travelling Ticket Examiners on transfer from the Accounts Department to the Operating Department were given the option to retain their old scales of pay with benefits of increments and grade promotion therein in accordance with Fundamental Rule 23?

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

NON-PAYMENT OF GRATUITY TO TWO PERSONS OF THE DINAPORE DIVISION, EAST INDIAN RAILWAY.

76. Dr. N. B. Khare: With reference to the information laid on the table of the House in reply to starred question No. 694, asked on the 20th August 1934, regarding non-payment of gratuity to two persons of the Dinapore Division, East Indian Railway, will Government please state what steps have been taken by the Governor General in Council against the recurrences of such delay, and if none, why not?

The Honourable Sir Muhammad Zafrullah Khan: As already stated in reply to question No. 694 referred to by the Honourable Member, only one employee was eligible for a gratuity. No further action was called for as the delay in the payment of the gratuity in this case was due to unavoidable circumstances.

RECTIFICATION OF MISTAKES AND ERRORS IN CERTAIN MATTERS BY THE RAILWAY BOARD.

77. Mr. Muhammad Azhar Ali: Is it a fact that the Railway Board have never rectified any mistake or error, if and when detected or brought to their notice? If not so, will Government lay a statement on the table of the House in respect of rectification of mistakes and errors in matters of establishment, discipline, pay and allowances?

The Honourable Sir Muhammad Zafrullah Khan: The answer to the first part of the question is in the negative. As regards the rest the information is not readily available and Government do not consider any useful purpose will be served by collecting it.

ORDERS WITH RETROSPECTIVE EFFECT ISSUED BY THE RAILWAY BOARD.

78. Mr. Muhammad Azhar Ali: Will Government please lay on the table a statement showing the nature of orders issued during 1933-34 and 1935-36 by the Railway Board which have retrospective effect?

The Honourable Sir Muhammad Zafrullah Khan: The information is not readily available and Government regret their inability to collect it as they do not consider that expense and labour involved in getting it will be justified by the value of the results likely to be achieved.

POSITION OF THE RAILWAY BOARD.

79. Mr. Muhammad Azhar Ali: Will Government please state:

- (a) whether the Government of India in the Railway Department means the Railway Board;
- (b) whether the Railway Board is an attached office to the Government of India in the Railway Department, and if so, what is the strength of staff of each office;
- (c) whether the Railway Board is subordinate to the Government of India in the Railway Department, or independent thereof and directly under the Governor General?

The Honourable Sir Muhammad Zafrullah Khan: (a) No, the Railway Board is a body of three members, the Chief Commissioner of Railways, the Financial Commissioner and one other member.

(b) No.

(c) The Railway Board is subordinate to the Government of India in the Railway Department.

RULES AND ORDERS MADE UNDER SUB-SECTION (2) OF SECTION 40 OF THE GOVERNMENT OF INDIA ACT.

80. Mr. Muhammad Azhar Ali: Will Government please lay on the table a copy of the rules and orders made under the provision of sub-section (2) of section 40 of the Government of India Act?

The Honourable Sir Henry Craik: The Rules made under sub-section (2) of section 40 of the Government of India Act are made by the Governor General. They cannot be laid on the table.

NON OBSERVANCE OF RULES FOR THE RECRUITMENT AND TRAINING OF NON-GAZETTED STAFF BY THE EAST INDIAN RAILWAY.

81. Mr. Muhammad Azhar Ali: (a) Is it a fact that the Railway Board have made rules for the recruitment and training of non-gazetted staff on the State-managed Railways?

(b) Is it a fact that the said rules are binding on the East Indian Railway?

(c) Is it a fact that the said rules provide the following appointments to be made by selection:

- (i) Transportation Inspectors;
- (ii) Station Superintendents;
- (iii) Controllers; and
- (iv) Assistant Running Shed Foremen?

(d) Is it a fact that the said rules provide for all other appointments to be made by normal channel of promotion?

(e) If the answers to parts (a) to (d) be in the affirmative, will Government please state:

- (i) the difference between an appointment to be made by selection and an appointment to be made by normal channel of promotion;
- (ii) the rule under which an unselected appointment is to be made by selection;
- (iii) whether appointments provided in the rules to be made by normal channel of promotions are made by selection, and if so, how, what and why;
- (iv) whether appointments to be made by normal channel of promotions, if made by Selection, are not within the category of an abuse of power;
- (v) what is the punishment provided for an abuse of power; and
- (vi) whether Government propose to lay a statement of punishments inflicted for abuses of power during preceding two years?

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

(b) I would invite the Honourable Member's attention to rule 64 of the Rules for the recruitment and training of subordinate staff under which the Agent can relax or modify the provisions of these rules and also make subsidiary rules to give effect to them.

(c) Yes, according to the subsidiary rules issued by the East Indian Railway.

(d) Not necessarily.

(e) I would invite the Honourable Member's attention to Annexure II of the 'Rules for the recruitment and training of subordinate staff on the East Indian Railway', a copy of which is in the Library of the House, which gives the available information. These are matters of internal administration which have been left to the Agents of Railways to decide.

APPOINTMENTS MADE IN THE TRANSPORTATION GROUP OF THE EAST INDIAN RAILWAY.

82. **Mr. Muhammad Azhar Ali:** Will Government be pleased to lay a statement on the table of this House showing the appointments both Gazetted and non-Gazetted made since general economy campaign, 1931, in the Transportation (Traffic, Power and Commercial) Group of the East Indian Railway together with the names of employees with their academic and professional qualifications, and also the names *cum* appointments held on the East Indian Railway by the relatives, if any, of such employees?

The Honourable Sir Muhammad Zafrullah Khan: Recruitment for State-managed Railways to the superior services is not made for individual Railways but for all these Railways taken together. A statement showing the names and qualifications of officers recruited direct for the Transportation (Traffic) and Commercial Departments and the Mechanical Engineering and Transportation (Power) Departments since 1931 and posted to the East Indian Railway is placed on the table of the House. As regards the non-gazetted staff appointed since 1931, their names and

qualifications and the names and appointments held by the relatives of such gazetted and non-gazetted staff on the East Indian Railway, Government have no information and do not consider any useful purpose will be served by compiling it.

List of Officers recruited direct to the Transportation (Traffic) and Commercial and Mechanical Engineering and Transportation (Power) Departments of the Superior Revenue Establishment on the East Indian Railway.

Name.	Academic and Professional qualifications.
<i>Transportation (Traffic) and Commercial.</i>	
Mr. Anand Mohan	B.Sc.
Mr. Ratan Lal	Diploma of Thomason Civil Engineering College, Roorkee.
Mr. A. F. M. Smith	B.A. (Cantab.) (Hons.).
Mr. S. V. M. Sundaram	M.A.
Mr. B. C. Lack	B.Sc.
Mr. P. E. M. Padwick	B.Sc. (Hons.).
Mr. R. A. Sidique	M.Sc.
Mr. G. D. Khandelwal	M.A.
<i>Mechanical Engineering and Transportation (Power).</i>	
Mr. M. M. Khan	I.Sc.
Mr. B. Basu	Senior Cambridge with Hons.
Mr. P. S. Venkataraman	Intermediate Examination.
Mr. L. T. Madnani	F.A.
Mr. W. A. Shaikh	F.A.
Mr. J. Muncherjee	F.Sc.
Mr. S. Chakravarty	I.Sc.
Mr. H. L. Khanna	F.Sc.
Mr. A. N. Mukherjee	I.Sc.
Mr. R. Subbiah	I.Sc.
Mr. K. Swarup	I.Sc.
Mr. S. Islam	I.Sc.

Received 4 years training in India and 2 years training in the United Kingdom. Passed Associate Membership examination of the Institute of Mechanical Engineers.

QUALIFICATIONS FOR POSTS OF TRANSPORTATION INSPECTORS, COMMERCIAL, ON THE EAST INDIAN RAILWAY.

83. **Mr. Muhammad Azhar Ali:** (a) Arising out of the reply given in this House to part (a)(x) of starred question No. 1441 on the 4th April, 1935, and to starred question No. 201 on the 13th February, 1935, will Government please state whether there are standing orders issued by the Agent, reproduced by the Divisional Superintendents for the information and guidance of the staff, that those employees who aspire for the posts of Transportation Inspectors, Commercial, must qualify themselves by passing the Goods Audit Examination (now described as the Higher Goods Accounts Examination)?

(b) If the answer to part (a) be in the affirmative, will Government please state whether the Chief Accounts Officer of the East Indian Railway has addressed a protest to the Chief Commercial Manager, the Chief Operating Superintendent and the Agent, against the practice of promoting men who have not passed the required examination?

(c) Will Government please state how many men who were promoted and officiated as Transportation Inspectors, Commercial, in the seven posts that were recently sanctioned by the Agent have passed the Goods Audit Examination?

(d) Was the fact that these men had not passed the Goods Audit Examination considered by the Selection Board, and if so, will Government please state the reasons why this Selection Board contravened the orders of the Agent?

(e) Is it a fact that no such Selection Board was held and that the appointments were made by the Senior Scale Officer, Staff, Calcutta, who has since proceeded on leave preparatory to retirement?

(f) What action do Government propose to take to see that men who have passed the Goods Audit Examination should replace the unqualified Inspectors?

(g) Are Government prepared to take disciplinary action against the officials who formed the Selection Board? If not, why not?

(h) Is it a fact that in reply to starred question No. 1342, asked in this House on the 21st November, 1932, Government have stated that the candidates are required to pass an examination in goods and coaching working, known as the 'Goods Accounts Examination'? If so, what action has been taken by Government against the violation of their policy and procedure; 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.

LAW SECTIONS ATTACHED TO THE OFFICES OF THE AGENT AND THE CHIEF COMMERCIAL MANAGER, EAST INDIAN RAILWAY.

84. **Mr. Muhammad Azhar Ali:** (a) Will Government please state whether the East Indian Railway have a Law Section with a Vakil in charge attached to the office of the Agent?

(b) If the answer to part (a) be in the affirmative, will Government please state whether there is also a Law Section under the Chief Commercial Manager?

(c) Is it a fact that this Law Section works under the direct supervision of an Assistant Commercial Manager, and has a staff consisting of Court Clerks, Court Inspectors, Clerks, etc.?

(d) If the answer to part (c) be in the affirmative, will Government please state whether:

- (i) the Assistant Commercial Manager is a qualified Pleader, Vakil, Advocate, etc.;
- (ii) there are four Court Clerks and four Court Inspectors attached to this section;
- (iii) the grade of the Court Inspectors was raised by the Agent, *vide* his No. C/E/S.-120/27, dated 14th February, 1934, from Rs. 80-10-150 to Rs. 160-10-220; and why the scales were increased;
- (iv) the revised scale of pay for Court Inspectors is Rs. 100-10/2-120, with effect from 16th July, 1931:

(v) the enhancement of the grade after the introduction of the revised scales of pay is in accordance with the policy of Government;

(vi) Government realise the extent in the increase of the working expenses;

(vii) the Job Analysis Staff under the Deputy Agent, Organisation, has made any recommendation regarding the combining of the two Law Sections and placing the same under the control of the Agent; and

(viii) the Chief Accounts Officer approved of the enhancement of the grade or insisted on the grant of personal pay?

(e) Do Government propose to consider the advisability of combining the two Law Sections and placing the same under the control of the Agent with a view to affecting uniformity, efficiency, and greater utility by the other Departments? 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.

INVESTIGATION OF THE CASES OF CLAIMS PREFERRED AGAINST THE EAST INDIAN RAILWAY.

85. **Mr. Muhammad Azhar Ali:** (a) Arising out of the reply given in this House to part (a)(vii) of starred question No. 1441, on the 4th April, 1935, will Government please state whether the Special Inspector is required to investigate cases of claims preferred against the East Indian Railway which are suspected to be false, inflated, etc.?

(b) If the answer to part (a) be in the affirmative, will Government please state why this kind of work is not made over to the Watch and Ward Department of that Railway?

(c) Is it a fact that the Special Inspector has no police experience and that the Watch and Ward have a large staff of ex-police officers in charge of a Superintendent who is an official from the Imperial Police lent to the East Indian Railway?

(d) Is it a fact that the post of Special Inspector was created in 1933 after the Job Analysis of the Chief Commercial Manager's Office had been completed? If so, was it recommended by the Deputy Agent, Organisation?

(e) Is it also a fact that the grade was originally Rs. 160-10-220 in 1933 and that it has since been enhanced to Rs. 160-10-260?

(f) Will Government please state why this enhancement of the grade has been sanctioned in 1935 when the revised scale of pay of this post is Rs. 180?

(g) Is any check exercised by the Accounts Department regarding the raising of the pay of posts?

(h) Do Government propose to consider the advisability of attaching him under the orders of the Watch and Ward Department? 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.

QUALIFICATIONS FOR PROMOTION TO THE POSTS OF GOODS CLERKS AT THE HOWRAH GOODS SHED.

86. **Mr. Muhammad Ashar Ali:** (a) Will Government please state whether the Divisional Superintendent, East Indian Railway, Howrah, issued a circular letter to the staff on the division informing them that those who do not qualify by passing the Goods Accounts Examination (now described as the Higher Goods Accounts Examination) will not be promoted to the posts of Goods Clerks, at the Howrah Goods Sheds?

(b) Is it a fact that orders were also issued that juniors would be promoted over seniors, if the latter failed to pass this examination, and that this order received the approval of the Agent?

(c) Is it also a fact that the Chief Accounts Officer has addressed a protest against the promotion of men who have not passed the Higher Goods Accounts Examination?

(d) If the answers to parts (a) to (c) be in the affirmative, will Government please state:

(i) whether any employees have recently been promoted to the posts of Goods Clerks, within the Division of Howrah;

(ii) whether these promotions were through the medium of a Selection Board;

(iii) whether the Selection Board were aware of the fact that several of the candidates who appeared had not passed the Higher Goods Accounts Examination;

(iv) whether these unqualified men were permitted to appear at their own request or were summoned by the Selection Board;

(v) whether it is the duty of the Establishment Section to point out to the Selection Board the fact that these men had not qualified themselves and also the Circulars on the subject;

(vi) whether the employees selected have not passed this examination;

(vii) whether these promotions have violated the orders laid down in the Weekly Gazette Notification No. 21 of 23rd May, 1928;

(viii) whether the Selection Board were aware that these applicants had not duly qualified themselves; and

(ix) who comprised this Selection Board?

(e) If the answers to parts (d), (i) to (ix) be in the affirmative, will Government please state what departmental remedies those employees, who have qualified themselves, have against these promotions?

(f) Do Government propose to take disciplinary action against the members of the Selection Board for this breach of rules? 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.

MONOGRAPH ON THE GENERAL CLASSIFICATION OF GOODS AND ASSOCIATED TOPICS WRITTEN BY MR. C. A. CRAWFORD AND PRINTED IN THE EAST INDIAN RAILWAY PRESS.

87. **Mr. Muhammad Ashar Ali:** (a) Is it a fact that:

(i) a Monograph on the General Classification of Goods and Associated Topics written by Mr. C. A. Crawford has been printed in the East Indian Railway Press in 1935;

(ii) this Monograph which consists of 46 pages, 153 paragraphs and 4 Appendices is marked "Confidential";

(iii) this is a private contribution;

(iv) it has been printed without the previous approval of the Agent; and

(v) the cost has been borne by Government?

(b) If the answers to parts (a), (i) to (v) be in the affirmative, will Government please state why State revenue has been utilised to print the monograph by an individual employee?

(c) Is it a fact that the following criticisms appear in the Monograph:

(i) para. 143: "A few years ago this matter was dealt with in a very general way at a meeting of Commercial Heads of Railway Administrations in Simla but nothing material developed as is generally the case when mere resolutions are passed";

(ii) para. 89: "Classification questions however do not always receive that degree of careful and meticulous examination that they should, with the result that decisions are often made and changes effected on the basis of very inadequate data or on grounds that are not above criticism"; and

(iii) para. 150: "In 1930 the Heads of Railway Administrations assembled at Simla recorded, among others, a resolution that competition by routes more than 33 per cent. longer than the shortest should not be indulged in but the resolution is not binding and therefore of little use, if it is at all remembered";

(d) If the answer to part (c) be in the affirmative, will Government please state whether it is open to employees to publish criticisms about the official decisions of their superiors? If not, what disciplinary action do Government propose to take against the offending official? If none, why not?

(e) Is it a fact that a relative of Mr. Crawford, employed as a subordinate in the same department, has recently published a pamphlet in the East Indian Railway Press on the working of a Railway in England?

(f) Do Government recover from the authors the State revenues spent on the printing of the opinions of officials and subordinates embodied in the Pamphlet and the Monograph? If not, why not?

(g) Is it a fact that Government do not pay either in advance or afterwards the expenses incurred by officials and subordinates in obtaining Patents for any inventions made by them?

The Honourable Sir Muhammad Zafrullah Khan: I have called for certain information and will lay a reply on the table of the House in due course.

OVERLAPPING OF WORK BETWEEN THE DEPUTY AGENT, ORGANISATION, THE RESEARCH OFFICER AND THE PUBLICITY OFFICER, EAST INDIAN RAILWAY.

88. Mr. Muhammad Azhar Ali: (a) Is it a fact that the Commercial Branch of the East Indian Railway has:

- (i) a Chief Commercial Manager;
- (ii) a Deputy Commercial Manager, Rates;
- (iii) a Deputy Commercial Manager, Claims;
- (iv) a Publicity Officer; and
- (v) a Research Officer?

(b) Is it also a fact that there is an official described as "Deputy Agent, Organisation" under the orders of the Agent?

(c) If the answers to parts (a), (i) to (v), and part (b) be in the affirmative, will Government please state whether there is an overlapping of work between the Deputy Agent, Organisation, the Research Officer and the Publicity Officer?

(d) Is it a fact that Job Analysis is still proceeding on the East Indian Railway? If so, will Government please state what purpose is served by the Research Officer and the large staff allotted to him?

(e) Are Government prepared to consider the advisability of abolishing the post of Research Officer and amalgamating his work with that of the Chief Commercial Manager, and his Deputy, Rates? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) The organization of the Commercial Department is:

- (1) Chief Commercial Manager.
- (2) Deputy Chief Commercial Manager, Goods.
- (3) Deputy Chief Commercial Manager, Coaching.
- (4) Publicity Officer.
- (5) Research Officer.

(b) Yes.

(c) No. The nature of the work of three officers is entirely distinct.

(d) The reply to the first part is in the affirmative. As regards the latter part the Research Officer is occupied in endeavouring to find new avenues for traffic development and better means of handling traffic.

(e) The suggestion is impracticable.

SCALES OF PAY OF STENOGRAPHERS OF HEADS OF DEPARTMENTS ON THE EAST INDIAN RAILWAY.

89. Mr. Muhammad Azhar Ali: (a) Is it a fact that the Agent of the East Indian Railway has raised the grade of his Stenotypist to Rs. 280—10—350 in the beginning of this year? If so, why?

(b) Is it also a fact that the grade of the Stenotypist was, prior to its enhancement, Rs. 180—10—250?

(c) If the answers to parts (a) and (b) be in the affirmative, will Government please state whether the grades of the Stenotypists of the Heads of Departments on the East Indian Railway are:

1. Operating Department		Rs. 275—15—380
2. Mechanical Department		Rs. 250—20—350
3. Stores Department		Rs. 200—15—290.
4. Accounts Department		Rs. 230—10—270.
5. Engineering Department		Rs. 180—10—250?

(d) If the answer to the second part of part (c) be in the affirmative, will Government please state when the Stenotypists referred to in parts (a) and (c) reached the maximum pay of their posts?

(e) Is it a fact that the Agent has an Establishment Section with an Assistant Secretary in charge under the direct control of the Deputy Agent, Personnel, and that all these men are required to be fully conversant with all establishment matters?

(f) Do Government propose to adopt a uniform scale of pay for the Stenotypists of the Heads of Departments by raising the grades in the Engineering, Accounts and Stores Departments in keeping with that of the Agent? If not, will Government please state the reasons for this differential treatment?

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

PROMOTION TO THE POSTS OF ASSISTANT AND HEAD GOODS CLERKS ON THE EAST INDIAN RAILWAY.

90. Mr. Muhammad Azhar Ali: (a) Is it a fact that in the Rules for Recruitment and Training of Subordinate Staff on the State-Managed Railways, framed by the Railway Board and in operation on the East Indian Railway, it is laid down:

"the duties of selection posts call for special abilities. In making their recommendations for promotion to selection posts, Selection Boards shall make a definite act of selection after giving due weight to seniority and other relevant factors"?

(b) Is it also a fact that the Divisional Superintendent, Howrah, has treated the posts of Assistant Goods Clerk and Head Goods Clerk as 'Selection Posts' and that these posts are filled through the medium of Selection Boards?

(c) If the answers to parts (a) and (b) be in the affirmative, will Government please state whether any orders are in existence which require that candidates who aspire to the posts of Assistant Goods Clerk and Head Goods Clerk must first pass the Goods Accounts, Lower, and the Goods Accounts, Higher, Examinations respectively?

(d) If the answer to the second part of part (c) be in the affirmative, will Government please state whether the employees promoted to the posts of Assistant Goods Clerk and Head Goods Clerk have passed the requisite examinations and were promoted through the medium of Selection Boards?

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

REVIVAL OF THE POST OF CHIEF COMMERCIAL MANAGER ON THE EAST INDIAN RAILWAY.

91. Mr. Muhammad Azhar Ali: (a) Is it a fact that the Railway Board, *vide* their letter No. 6112/E/30, dated the 13th February, 1932, held the post of Chief Commercial Manager, grade Rs. 2,500, in abeyance from the 28th March, 1932; and that, in their letter No. 6112/E/30, dated the 6th March, 1934, they revived the post with effect from the 19th March, 1934?

(b) If the answer to part (a) be in the affirmative, will Government please state:

(i) whether the arrangements sanctioned by the Railway Board for carrying on the work of the Chief Commercial Manager during the period it was held in abeyance, were found satisfactory.

(ii) whether any mention to the contrary has been made by the Railway Board in their Report on Indian Railways;

(iii) whether the official selected for the post had ever worked in any 'commercial' post on the Railway; and

(iv) the reasons for this revival of the post?

(c) Was any recommendation made by the Job Analysis Committee for the revival of the post of the Chief Commercial Manager?

(d) What action do Government propose to take against the expenditure of public money to provide an official with a highly paid post? If none, why not?

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

(b) (i). The post was kept in abeyance as an experimental measure on the 28th March, 1932, and a special pay of Rs. 150 per mensem was sanctioned for the two Deputy Chief Commercial Managers in consideration of the additional work and responsibility that devolved on them. The position was, however, reviewed in March, 1934, and it was decided after very careful consideration to revive the post in the interests of efficiency.

(ii) No.

(iii) The officer selected to fill the post on its revival belonged to the Transportation (Traffic) and Commercial Departments of the East Indian Railway and was fully competent to hold it.

(iv) The post was revived in the interests of efficiency.

(c) No.

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

CHECK ON THE PRINTING WORK DONE IN THE EAST INDIAN RAILWAY PRESS.

92. Mr. Muhammad Azhar Ali: (a) Will Government please state whether the Accounts or the Audit Department of the East Indian Railway exercise any check on the printing work done in that Railway's Press?

(b) If the answer to part (a) be in the affirmative, will Government please state whether the printing at State expense of a Monograph on the General Classification of Goods and Associated Topics by Mr. C. A. Crawford and a Report on the workings of a railway system in England by Mr. Crawford's cousin, Mr. T. J. Ryan was questioned by the Accounts or Audit Department, and if so, with what results? If not, why not?

(c) What is the amount involved in the printing of these two private pamphlets?

(d) Do Government propose to recover the cost incurred in printing the literature referred to in part (b) from the individuals concerned? If not, why not?

(e) Is it a fact that Government do not grant financial assistance to their employees to enable them to take out Patents? If so, will Government please state why they permit their revenue to be utilised by gazetted officers attached to the Head Office of the East Indian Railway for the purpose of giving publicity to their private opinions?

(f) Do Government propose to consider the advisability of having a more detailed check by the Accounts or Audit Department on the working of the East Indian Railway Printing Press?

The Honourable Sir Muhammad Zafrullah Khan: The information is being collected and will be laid on the table in due course.

IRREGULARITIES IN CHARGING SALARIES OF SUBORDINATES ON THE EAST INDIAN RAILWAY.

93. Mr. Muhammad Azhar Ali: (a) Arising out of the reply given in this House to starred question No. 1016 on the 18th September, 1933, that there are instructions already in existence laying down that the salary of a Government servant should not be charged against any post other than that in which he is working, will Government please state whether the Agent of the East Indian Railway sanctioned, *vide* his No. C.C./E/S/224, dated the 10th July, 1934, a post of Inspector (Claims) in lieu of the post of a Head Audit Clerk, grade Rs. 160—10—220, on the condition that "he will also exercise the function of surveyor which is abolished from 9th May, 1934, the extra money Rs. 3,000 required is to be met by re-appropriation from Head 'Office Staff' as sanctioned by the Agent"?

(b) Is it a fact that the post of Surveyor, since abolished, was graded Rs. 400—20—600?

(c) If the answers to parts (a) and (b) be in the affirmative, will Government please state whether the grade of the Claims Inspector (Survey) has been raised to Rs. 240—20—460, and if so, when?

(d) Is it a fact that the post of Surveyor, grade Rs. 400—20—600, was attached to the Howrah Goods Sheds? If so, will Government please state whether the Claims Inspector (Survey) is posted at Howrah, and if not, where is he posted and what work is he doing?

(e) Is it a fact that a junior hand in receipt of a much smaller pay is performing the duties of the Surveyor at the Howrah Goods Sheds? If so, what disciplinary action do Government propose to take against the officials responsible for breach of rules? If none, why not?

(f) Do Government possess powers to take disciplinary action against the officers on the East Indian 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.

NATURE OF EMOLUMENTS CLASSIFIED AS PAY BY THE GOVERNOR GENERAL IN COUNCIL UNDER SUB-CLAUSE 3, CLAUSE 21 (a) OF FUNDAMENTAL RULE 9 ON STATE RAILWAYS.

94. Pandit Sri Krishna Dutta Paliwal: Will Government please state the nature of emoluments which the Governor General in Council has classified as Pay under sub-clause 3, clause 21 (a) of Fundamental Rule 9 on the State Railways in India?

The Honourable Sir Muhammad Zafrullah Khan: So far as railway servants are concerned no emoluments have been classified by the Governor General in Council as pay under Rule 9 (21) (a) (iii) of the Fundamental Rules.

OFFICERS TRANSFERRED TO THE ACCOUNTS DEPARTMENT OF THE EAST INDIAN RAILWAY.

95. Pandit Sri Krishna Dutta Paliwal: (a) Is it a fact that the Controller of Railway Accounts has transferred one Accounts Officer and one Assistant Accounts Officer from his establishment to fill up two permanent vacancies on the East Indian Railway?

(b) Will Government please state how these vacancies caused by transfer are filled? If the answer to part (a) be in the affirmative, will Government please state whether the transfers of these two officers have caused the reversion of two subordinates of the East Indian Railway who were officiating against these vacancies?

(c) Is it the policy of Government to deprive the subordinates of the Accounts Department of the East Indian Railway of opportunities for promotion to the gazetted service of that Railway? If not, will Government please state the reasons for the transfer of the officers referred to in part (a)?

(d) Is it a fact that there has been a continuous introduction of officers both gazetted and non-gazetted from other sources which have caused a block in promotion in the Accounts Department of the East Indian Railway? If so, what action do Government propose to take in the matter?

(e) Will Government please lay a statement on the table of the House showing the number of officers both gazetted and non-gazetted separately, who have been transferred to the Accounts Department of the East Indian Railway since 1925?

The Honourable Sir Muhammad Zafrullah Khan: (a) One Accounts Officer from the Controller of Railway Accounts Office and one Assistant Accounts Officer from Railway Clearing Accounts Office have recently been transferred to the East Indian Railway.

(b) The Assistant Accounts Officer was sent in place of another Assistant Accounts Officer who had been transferred to the Railway Clearing Accounts Office from the East Indian Railway Office. Both these officers had been

promised repatriation from the offices to which they were attached. The Accounts Officer was recently promoted to the Indian Railway Accounts Service and the temporary appointment which he previously held in the Controller of Railway Accounts office has been abolished as a measure of economy. He is now borne on an All-India list.

(c) No. The transfers were made in the interest of public service and to fill existing vacancies.

(d) No.

(e) The information required is not readily available and Government do not consider its collection will be justified by results.

RULES FOR THE REMOVAL OF STAFF FROM ONE POST TO ANOTHER ON STATE-MANAGED RAILWAYS.

96. Pandit Sri Krishna Dutta Paliwal: Arising out of the reply given in this House to unstarred question No. 319 on the 9th April 1935, that it is obligatory to follow the procedure laid down for the discharge and dismissal of subordinates on the State-Managed Railways, will Government please state whether it is also obligatory to observe the rules prescribed for the removal of staff from one post to another, promotions in the normal channel, promotions outside the normal channel, fines, punishment for definite specific periods, etc.?

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

GUARDS ON THE EASTERN BENGAL RAILWAY.

97. Pandit Sri Krishna Dutta Paliwal: (a) Is it a fact that there are two classes of guards on the Eastern Bengal Railway, viz., 'A' and 'B', and that the maximum pay of these two classes is Rs. 100 and Rs. 210, respectively?

(b) If the answer to part (a) be in the affirmative, will Government please state whether promotion to 'B' class is made from 'A' class or by direct recruitment?

(c) Is it a fact that there is a considerable number of guards, 'A' class, who have been on the maximum pay of the post between three to ten years and who have not been promoted to 'B' class in order to keep down working expenses?

(d) Is it further a fact that no promotions have been made from 'A' class to 'B' class since 1929?

(e) Will Government please state the number of vacancies in 'B' class guards since 1930 and the reasons for not filling up the vacancies in that class?

(f) Are the promotions of gazetted officers on the Eastern Bengal Railway to higher classes or grades held in abeyance in order to keep down working expenses? If not, will Government please state the reasons for this differential treatment to one class of their employees?

(g) What is the actual number of guards in class 'A' and 'B', separately, and the number provided for in the Establishment Rolls and Working Expenses for the year 1934-35 and 1935-36?

(h) Do Government propose to take any action to remove this invidious treatment to one class of their employees? 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.

TICKET COLLECTORS AND CREW STAFF REQUIRED TO WORK AS GUARDS ON THE EASTERN BENGAL RAILWAY.

98. Pandit Sri Krishna Dutta Paliwal: (a) Will Government please state whether ticket collectors and crew staff on the Eastern Bengal Railway are required to work as guards to replace casualties in the guard's list?

(b) Is it a fact that ticket collectors and crew staff are taken off their legitimate duties on a notice of an hour or two and are compelled to work as guards?

(c) Is it also a fact that:

- (i) they have worked for several months at a time as guards;
- (ii) in some cases the men have worked off and on for five or six years without being appointed substantively as guards; and
- (iii) it is cheaper to utilise ticket collectors and crew staff as guards instead of appointing 'A' class guards?

(d) Are Government prepared to order the transfer of these ticket collectors and crew staff to work as guards? 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.

IRREGULARITIES IN CHARGING SALARIES OF RAILWAY SUBORDINATES.

99. Pandit Sri Krishna Dutta Paliwal: (a) Is it a fact that in the Report of the Public Accounts Committee on the accounts of 1933-34, Volume I, Part II, Railways, it has been stated on page 29:

"Employment of staff on works other than those to which their pay is charged—
The Railway Board regret to notice from the report of the Director of Railway Audit that this irregularity has not disappeared entirely"?

(b) Is it also a fact that Government have stated in this House on the 19th September, 1933 in reply to starred question No. 1016 that "there are instructions already in existence laying down that the salary of a Government servant should not be charged against any post other than that in which he is working"?

(c) If the answers to parts (a) and (b) be in the affirmative, will Government please state:

- (i) the rule of the Classification, Control and Appeal Rules of Railway Services under which mere expression of regret is classed as punishment; and
- (ii) whether it is a fact that questions giving specific instances with names of the staff utilised on other than their legitimate duties were asked in this House which have never been enquired into by the Financial Commissioner for Railways or his department?

(d) Under whose authority the amount of pay of such staff was passed and paid?

(e) What purpose is served by having the internal check and audit by the Financial Commissioner for Railways and his department on separation of Accounts from Audit?

(f) Does the Governor General in Council propose to direct the prosecution of the Financial Commissioner for Railways and other officers responsible under Section 124 of the Government of India Act for violation of rules and regulations? If not, why not?

(g) Does the Governor General in Council propose to order an independent inquiry into the state of affairs of the Railway Accounts Department? If not, why not?

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

(c) (i). There is no such rule.

(ii) No.

(d) The pay of the staff was passed by the Accounts Office on the authority of bills drawn by the executive authority. They had no reason to doubt the correctness of.

(e) The Accounts Department generally audits bills before payment; but it cannot in all cases check the facts on which the bill is based. The irregularity referred to could be detected only at the time of a local inspection, which in this case happened to be made by the Audit Department.

(f) and (g). No. Government can see no reason whatever for the action suggested.

REDRESS OF GRIEVANCES OF THE RAILWAY STAFF.

100. Pandit Sri Krishna Dutta Paliwal: (a) Arising out of answer laid on the table of this House on 2nd September, 1935, to starred question No. 856 asked on the 12th March, 1935, will Government please state whether it is a fact that the Superintendent Staff and specifically delegated with the powers of discharge as per terms of agreement?

(b) If the answer to part (a) be in the negative, will Government quote the clause of the agreement under which delegation is agreed to?

(c) Is it a fact that the rules for discharge and dismissal do not authorise the Head of the Department or Divisional Superintendent or any other officer below to pass an order as per terms of agreement?

(d) If the reply to part (c) be in the negative, will Government quote the clause of the agreement under which these rules were agreed to?

(e) Is it a fact that the terms of agreement are only exercised by the parties referred to in the agreement?

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

CONVICTION OF CONSIGNORS AND THEIR AGENTS FOR MIS-DECLARATION OF GOODS DESPATCHED FROM THE HOWRAH GOODS SHEDS.

101. Pandit Sri Krishna Dutta Paliwal: (a) Is it a fact that the consignors and their Agents were prosecuted at the Howrah Criminal Courts for mis-declaration of goods despatched from the Howrah Goods Sheds of the East Indian Railway in the years 1932, 1933 and 1934 and that

convictions were obtained in each case? If so, will Government please state whether the accused were all Indians and whether it is a fact that:

- (i) a case of misdeclaration of goods was detected at Howrah Goods Sheds, East Indian Railway, in which an European firm (French Motor Car Co.) dealing in motor cars was concerned;
- (ii) this consignment was booked from Delhi to Howrah, and that the wagon was padlocked by the sender;
- (iii) the contents were booked as furniture;
- (iv) the Head Office of this firm at Calcutta gave a written declaration that the consignment consisted of *bona fide* furniture not intended for sale;
- (v) this written certificate entitled the firm to a lower rate of freight;
- (vi) at the time of delivery only motor accessories were found; and
- (vii) this firm was called upon to pay the freight on the carrying capacity of the wagon plus penalty charges?

(b) If the answers to parts (a) (i) to (vii) be in the affirmative, will Government please state whether it is a fact that the Chief Commercial Manager, ordered that freight should be collected on 120 maunds at the classified rate instead of the carrying capacity of the wagon and that no penalty charges were to be realised?

(c) Why was this firm not prosecuted as was done in the case of Indians?

(d) What was the amount claimed by the Goods Sheds staff at Howrah and what was the amount realised?

(e) Will Government please state the reasons for this invidious treatment by a European Officer?

(f) Do Government propose to recover the loss from the pay of the officers who caused this loss to revenue? If not, why not?

(g) Does the Governor General in Council propose to prosecute these officers for abetment of cheating and fraud? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) The reply to the first part is in the affirmative: as regards the second part, the Agent, East Indian Railway, states that as some of the files relating to these cases have since been destroyed, it is not now possible to say whether all those prosecuted were Indians or not.

- (i) } Yes.
- (ii) }
- (iii) }

(iv) A representative of the Company who called for delivery of the consignment at Howrah station endorsed the railway receipt to the effect that the consignment consisted of *bona fide* personal property not for sale.

- (v) } Yes.
- (vi) }
- (vii) }

(b) and (c). The case was dealt with by both the Deputy Chief Commercial Manager and the Chief Commercial Manager and the latter also discussed it with a responsible representative of the French Motor Car Company. As a result of this discussion and of other enquiries made, it appeared that the mis-declaration was due to a mis-understanding and not to any deliberate intent to defraud, the nature of the consignment being openly displayed at the forwarding station. The Chief Commercial Manager, therefore, issued instructions for the consignment to be charged at the higher rate correctly applicable.

(d) The amount claimed by the Goods Shed staff at Howrah, treating the case as one of mis-declaration, amounted to approximately Rs. 6,000. The actual amount correctly due and recovered was Rs. 411-14-0.

(e) and (g). Do not arise.

(f) There was no loss of revenue.

REVISED SCALES OF PAY FOR SUBORDINATE STAFF ON THE EAST INDIAN RAILWAY.

102. **Sardar Mangal Singh:** (a) Is it a fact that:

- (i) the Divisional Superintendent, East Indian Railway, Howrah, issued Circular No. E. T./P/41-34, dated the 20/24th April, 1934, regarding 'Revised Scales of pay for subordinate staff';
- (ii) in this circular the 'old' and 'new' scales of pay have been shown for all the posts in the Division; and
- (iii) the old scales of pay of the Head Ticket Examiners, Head Ticket Collectors and Assistant Head Ticket Collectors have not been shown in this circular?

(b) If the answers to part (a) (i) to (iii) be in the affirmative, will Government please state the old scales of pay for the posts of Head Ticket Examiners, Head Ticket Collectors and Assistant Head Ticket Collectors?

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

REVISED SCALES OF PAY FOR SUBORDINATE STAFF ON THE EAST INDIAN RAILWAY.

103. **Sardar Mangal Singh:** (a) Will Government please state whether the new scales of pay circulated in the Divisional Superintendent, East Indian Railway, Howrah, Circular No. E. T./P./41-34, dated the 20/24th April, 1934, are applicable to subordinates who were in permanent service on the East Indian Railway prior to 1st November, 1928?

(b) If the answer to part (a) be in the negative, will Government please state why the Ticket Collecting and Examining staff have been brought under the new scales of pay?

(c) Is it a fact that with the exception of the staff referred to in part (b) none other who were in permanent service prior to the 1st November, 1928, have been brought under the new scales of pay?

(d) Are Government aware that this reduction in the pay of the Ticket Examining and Collecting staff only has caused considerable discontent amongst the staff concerned?

(e) Have Government realised that this staff is primarily employed to prevent leakage to revenue? If so, will Government please state why this staff in particular should be selected for such treatment?

(f) What action do Government propose to take in the matter? If none, 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.

GAZETTE PUBLISHED BY THE EASTERN BENGAL RAILWAY WITH INSTRUCTION FOR THE GUIDANCE OF STAFF.

104. **Sardar Mangal Singh:** (a) Will Government please state whether the Eastern Bengal Railway publish a Gazette in which instructions are issued for the information and guidance of the staff?

(b) Is this Gazette issued weekly, fortnightly or monthly?

(c) Is it a fact that only one copy of the Gazette is supplied to each Station Master at stations where guards are posted for their information and guidance?

(d) If the answers to parts (a) to (c) be in the affirmative, will Government please state whether:

(i) the one copy supplied is placed under the custody of a clerk or whether it is placed on a table or Notice Board; and

(ii) this copy is regularly kept open for the staff every day and hour?

(e) Are Government prepared to consider in the interest of efficiency and safety the advisability of providing every guard with a copy of the Gazette?

The Honourable Sir Muhammad Zafrullah Khan: Government have no information. These are matters of detailed administration which must be left to the Agent to decide. I have, however, sent him a copy of the question for such action as he may consider necessary.

GUARDS IN THE CALCUTTA DISTRICT OF THE EASTERN BENGAL RAILWAY.

105. **Sardar Mangal Singh:** (a) Is it a fact that:

(i) the number of Guards in the Calcutta District of the Eastern Bengal Railway is maintained below the sanctioned strength;

(ii) due to this shortage, the services of ticket collectors, crew staff, tally clerks, etc., are utilised as guards; and

(iii) as a result of this shortage the permanent guards are unable to obtain leave as and when required?

(b) Will Government please state the sanctioned strength and the actual number of guards in the Calcutta District?

(c) Is the gazetted staff on the Eastern Bengal Railway maintained below the sanctioned strength? If not, will Government please state the reasons for this preferential treatment to one class of their employees?

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

GRIEVANCES OF PASSENGERS ON THE BENGAL AND NORTH WESTERN RAILWAY.

106. **Maulvi Badrul Hasan:** (a) Are Government aware that:

(i) the Bengal and North Western Railway Company has lately increased the fare of the steamer between Pahleza Ghat and Digba Ghat, and if so, why;

(ii) the third class compartments in the said railway are out of date and uncomfortable to the passengers;

(iii) the said railway is running old-typed intermediate class compartments with rotten cushions in most of the trains;

(iv) the supply of drinking water at small stations of the said railway is scanty and inadequate;

(v) there is no arrangement for fans in higher class waiting rooms at even important stations of the said railway;

(vi) the third class waiting rooms at even important stations of the said railway are unprotected and open to hot and cold winds and rains; and

(vii) in almost all the Muhammadan refreshment rooms of the said railway there is no Muhammadan cook?

(b) If the answers to some or all parts of part (a) be in the affirmative, will Government be pleased to state what steps they have taken, or propose to take, to remove the grievances?

The Honourable Sir Muhammad Zafrullah Khan: (a) (i). No. The present fares have been in force since November 1931.

(ii) No. They are similar in design and comfort to those on other railways.

(iii) The type of intermediate class compartments has been greatly improved in recent years, and leather cushions are being substituted for canvas.

(iv) Water is supplied from station wells at small road-side stations, and watermen are appointed at all stations where trains halt for an appreciable time.

(v) Fans are provided in waiting rooms at certain stations; for example, Gorakhpur. Where fans are not provided, there are *punkhas*.

(vi) There are no third class waiting rooms, but large waiting sheds are provided where necessary.

(vii) This is being investigated.

(b) As the Bengal and North Western Railway have Advisory Committees, Government do not consider that their intervention is called for in regard to these matters. The Agent's attention has, however, been drawn to the Honourable Member's question.

TAKING OVER OF THE BENGAL AND NORTH WESTERN RAILWAY UNDER THE STATE MANAGEMENT.

107. **Maulvi Badrul Hasan:** Will Government be pleased to state:

- (a) when the lease of the Bengal and North Western Railway Company terminates;
- (b) what dividend the company has given to the shareholders in 1932-33, 1933-34 and 1934-35; and
- (c) whether they intend to bring the Bengal and North Western Railway under the State management; and if not, what are the reasons therefor?

The Honourable Sir Muhammad Zafrullah Khan: (a) Under the terms of the contract Government has the option of purchasing the Company's railway on the 31st December, 1937, or the 31st December, 1942, on giving 12 calendar months' previous notice in writing.

(b) Dividends declared annually by the Bengal and North Western Railway Company (including bonus) during the three years ending the 30th September, 1934 are as follows:

30th September, 1932	16 per cent.
30th September, 1933	16 per cent.
30th September, 1934	16 per cent.

I would point out, however, that the ordinary (profit-sharing) Capital of the Company is only £3 million whereas the total capital outlay is over £8 million, the balance being met from preference capital, debentures and reserves.

(c) The matter is under consideration.

TAKING OVER OF THE TIRHUT RAILWAY UNDER THE STATE MANAGEMENT.

108. **Maulvi Badrul Hasan:** Will Government be pleased to state whether they are prepared to take the Tirhut State Railway under State management; and if not, what are the reasons therefor?

The Honourable Sir Muhammad Zafrullah Khan: The matter is under consideration.

CONSTRUCTION OF CHAKIA-TRANS-GANDAK-SIDHWALIA CHORD LINE OF THE BENGAL AND NORTH WESTERN RAILWAY.

109. **Maulvi Badrul Hasan:** Will Government be pleased to state if they have decided to sanction the construction of a branch line of the Bengal and North Western Railway to be known as Chakia-Trans-Gandak-Sidhwalia Chord Line; and if not, when are they going to do so?

The Honourable Sir Muhammad Zafrullah Khan: The answer is in the negative. As the project after consideration has proved to be unremunerative and the Bihar and Orissa Government are not agreeable to put up the necessary guarantee, it appears unlikely that this project will be sanctioned in the near future, if at all.

GRIEVANCES OF PASSENGERS TRAVELLING ON THE PATNA-GAYA BRANCH OF THE EAST INDIAN RAILWAY.

110. **Maulvi Badrul Hasan:** Will Government be pleased to state:

- (a) if they are aware that only one intermediate class compartment is attached to the Patna-Gaya line of the East Indian Railway Company and that it becomes over-crowded, resulting in inconvenience to intermediate class passengers; and if so, whether they intend to advise the authorities to attach two intermediate class compartments in the said line; and
- (b) if it is a fact that no fast train is run on the said line; and if not, whether they have considered the desirability of introducing such a train in mid-day in winter and in the night in summer; and if not, whether they are now prepared to advise the said railway administration accordingly? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) No: I am, however, bringing the Honourable Member's question to the notice of the Agent, East Indian Railway, for consideration.

(b) The actual speed of the present train services on this branch varies from about 25 to 29 miles per hour. Acceleration of any of these services is not possible as, on account of track restrictions, the maximum permissible speed is 30 miles per hour.

REDUCTION OF THE PRICE OF ENVELOPES.

111. **Maulvi Badrul Hasan:** Will Government be pleased to state:

- (a) if they are aware of the inconvenience felt by the people on account of the different rates being charged on postal envelopes, and
- (b) whether they intend to reduce the price of envelopes, and if not, why not?

The Honourable Sir Frank Noyce: (a) and (b). The question put by the Honourable Member is not quite clear. The different classes of embossed envelopes issued by the Department and their prices are given in clauses 5 and 5-A of the Indian Posts and Telegraphs Guide. Government are not aware of any inconvenience felt by the public in this connection. The question of reducing the price of embossed envelopes can arise only when the rates of postage on letters are reduced.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to unstarred questions Nos. 166 to 169, asked by Mr. M. Masood Ahmad, on the 10th March, 1934.

MEMORIAL FROM THE MEMBERS OF THE DELHI EX-ROYAL FAMILY RESIDING IN LUCKNOW:

166. (a) Yes.
- (b) No money was invested by the Wazirs of Oudh for pensions to the ex-Royal family.

(c) The Government of India have rejected the various requests made in the memorial, except that they have consented to the Government of the United Provinces forwarding a limited number of proposals for the grant of educational scholarships in deserving cases, and that they have agreed to the allowances granted to the descendants of the *ex-Royal* family being called "Political Life Pensions" in future.

(d) A copy of the memorial is attached.

Memorial.

To His Excellency the Viceroy and Governor General of India,
Through the Deputy Commissioner, Lucknow.

May it please Your Excellency,

We the descendants of Ale Gohar Shah Alam, the late Emperor of Delhi, at present resident at Lucknow most respectfully beg to approach you with the following representation and we venture to hope that it will receive your Excellency's gracious and most sympathetic consideration :

2. That at the out-set, we respectfully beg your Excellency's permission to give a short history of our family. Your Excellency is probably aware that we come of a family which reigned over the destinies of millions of people of India for a couple of centuries, but to our misfortune, time has come when misery itself is ruling over us, and we have been reduced to such a helpless condition that we cannot lead our lives easily. We beg to assure your Excellency that in spite of all pecuniary embarrassments we have remained most loyal to the British throne and ardent supporters of Government during the Great War, and non-co-operation movement.

3. That we beg to submit that after the demise of our late ancestor, Shah Alam Bahadur, Emperor of Delhi, three of his sons, *viz.*, Prince Mirza Jahandar Shah, Prince Mirza Sulaiman Shikoh, and Prince Mirza Sikandar Shikoh came one after another to Oudh and settled down at Lucknow. The Nawab Wazir of Oudh in view of their family dignity and position, allotted to them handsome pensions detailed below as an honorarium for their upkeep. A mention of this fact has been, made in Aitchison's Treatise Vol. II (1892) Edition as well as other annals of the Kings of Oudh.

	Rs.
Prince Mirza Jahandar Shah	25,000
Prince Mirza Sulaiman Shikoh	12,000
Prince Mirza Sikandar Shikoh	1,000
Total	38,000

4. That your Excellency will be kind enough to see that out of this sum of Rs. 38,000 only one thousand is now distributed amongst the heirs of the forementioned princes and the amount is dwindling day by day. At this juncture we look to our benign Government for preserving our rights and interest. But we crave your Excellency's pardon to express our grief and sorrow over the matter that we have not been fortunate in receiving from the Government due regard and consideration which we thought we deserved.

5. That we beg to submit that we are treated differently at different places, for instance :

- The children of our family are awarded Educational Scholarships at Benares but no sympathy is shown to them in this direction at Lucknow and Delhi.
- At some places we are given hereditary pensions, while at others we are deprived of this right.
- Some of us draw small sums entitled as Political Pensions while monthly allowances of some are stigmatised as charitable though all of us are of the same descent.
- We are not given access to papers concerning our pensions in the Wasiqa Office, Lucknow and Benares Agency and we cannot be represented by pleaders and thus we cannot bring our grievances to the notice of the higher authorities.

(e) At places where we have the head of our family, he is officially recognized and we beg that at other places also when we appoint one he may be so treated.

(f) Formerly the educated members of our family were preferably provided with Government posts but now no sympathy is shown towards us in this respect.

(g) That it will not be out of place to lay before your Excellency the fact that the grievances of the family of the Kings of Oudh at Calcutta have been mostly removed while those of the descendants of the Emperors of Delhi have not yet received the same attention.

6. That we do not wish to embarrass the Government in any way especially in these anxious days. We know that the Government inaugurating a new constitutional era in India and we hope that our interests would be properly safeguarded. We, the members of the *ex-Royal* family of Delhi have formed Family Associations at Delhi, Benares and Lucknow, which aim at maintaining our prestige and honour and to unite the scattered scions of the *ex-Royal* family in one bond.

7. That our requests are :

- That an inquiry committee be appointed by the Government of India to investigate the conditions of all the members of the *ex-Royal* family of Delhi. One of its members should be taken out of our Associations, and K. B. Nawab Syed Hamid Husain Khan Wasiqedar and Taluqdar of Lucknow, descendant of the family of the Prime Minister of Oudh who has been unanimously elected to represent All-India *Ex-Royal* family of Delhi should also be appointed on the Committee.

This enquiry should be made specially at Lucknow, Benares and Delhi.

- That the amounts of our pensions should be adequately increased so that we may spend our lives honourably in comfort, and pensions which have been stopped should be continued.

- That our family should be represented in both the Houses of the new Legislative Assembly and also in the United Provinces Legislative Council.

- The newly imposed condition at Benares regarding the refund of the scholarships from the pension of their parents in case the students fail at the Examinations, should be removed.

- That adequate scholarships should be awarded to all the students of the *Ex-Royal* family at Lucknow, Delhi, Farrukhabad as is done at District Benares for promotion of education amongst us.

8. That in conclusion we most respectfully beg to submit that we entertain most sanguine hopes that the Government of India will consider our case in a sympathetic attitude.

9. The total population in whole India of the Delhi *Ex-Royal* family is about Fifteen Hundred and in the Province of the U. P. there are over Five Hundred.

10. Finally we express our sincere and deep-felt gratitude to your Excellency for having granted us an opportunity to approach your Excellency with the memorial and laying our grievances before the Imperial Government.

May God save our King.

H. M. George Vth & the Queen.

We beg to remain,

Your Excellency,

Your most humble,

Memorialist,

Members of the Alay Taimur Association,
(*Ex-Royal* Family of Delhi),
Lucknow, U. P. (India).

Dated 25th November, 1933.

FACILITIES FOR THE EDUCATION OF THE CHILDREN OF THE MEMBERS OF THE DELHI EX-ROYAL FAMILY RESIDING IN LUCKNOW.

167. (i) No special facilities exist.

(ii) None have hitherto been granted, but as will be seen from the answer given to question No. 166(c), the Government of India will be prepared to consider applications.

REPRESENTATION IN THE LEGISLATIVE ASSEMBLY AND THE UNITED PROVINCES LEGISLATIVE COUNCIL FOR THE MEMBERS OF THE DELHI EX-ROYAL FAMILY RESIDING IN LUCKNOW.

168. (a) Yes. The Government of India do not consider that the claims of the Benarès and Lucknow Branches of the ex-Royal family of Delhi for special representation in the Central Legislature are justified. The question of their representation in the Legislative Council of the United Provinces is a matter which is the concern of the Local Government.

(b) No; they are not prepared to accept any such proposal.

EMPLOYMENT IN GOVERNMENT SERVICE OF THE MEMBERS OF THE DELHI EX-ROYAL FAMILY RESIDING IN LUCKNOW.

169. No special facilities exist.

Information promised in reply to part (a) of starred question No. 1114 asked by Maulvi Syed Murtuza Sahib Bahadur on the 28th March, 1935.

CESSES REALISED IN THE ISTIMRARI AREAS OF AJMER-MERWARA BY THE ISTIMRARDARS.

(a) The cesses realized by Istimrardars from the tenants and other residents in the various Istimrari areas of Ajmer-Merwara are shown in the list below. It is however not in every estate that all these cesses are realised.

Serial No.	Name.	Description.
1	Sarak or Sarak bab	Tax charged for construction and repairs of private roads and cart tracks.
2	Pesh Kashi or Halsara or Kholri or Barar or Khalond or Jhunpi	Property tax—more appropriately classed as a ground tax.
3	Bab Awab	A cess on land revenue.
4	Parao Lag	Camping ground fees.
5	Adhat or Arat or Mopa	Export and import duty on commodities for sale.
6	Hablak Bhanbi	Tax in kind recovered by the Gaon Banbi from the joint stock that remains after the division of the grain between the Istimrardar and the tenant.
7	Lag Dori	The right of the servants of the Istimrardar to pluck the standing crops at the time of measurement of the field.
8	District Fund	A cess recovered by the Istimrardar towards payment of the District Fund.
9	Chungi Darzi	Payment to the tailor from the joint corn in return for work done for the Istimrardar.
10	Dholi-par-ghugri or Khalek . .	A tax on muafis realised by the Istimrardar.
11	Lag talab	Irrigation tax.
12	Nazar Kunta	A rupee from each village presented to the Istimrardar at the commencement of the measurement in each village.
13	Oda	Appears to be a tax for irrigation by lifts.

Serial No.	Name.	Description.
14	Haq Kanungoi	Payment in kind by the villagers towards the maintenance of the field staff.
15	Akhradi	A sort of penalty charged from those villagers who delay in throwing out the corn on the threshing floor.
16	Bhat ka Chuna	Lime-tax.
17	Mer (Mend)	Tax for cutting grass grown on embankments of fields.
18	Dhada	A part of Hansil (rent) which is collected with rent as settled.
19	Ginti	Compensation for grazing in the jungle.

Information promised in reply to starred question No. 1451, asked by Seth Govind Das, on the 4th April, 1935.

IMPERIAL MAILS (FOREIGN MAILS) RUN ON THURSDAYS AND FRIDAYS TO DIFFERENT PARTS OF INDIA FROM AND TO BOMBAY.

(a) (1) There are two special trains which are run in connection with the foreign mails. One of these is the Imperial Indian Mail which carries mails and passengers and runs once a week each way between Bombay and Howrah. The other is an express train conveying mails only which runs from Bombay to Madras once every alternate week.

(2) Based on the average cost of hauling a passenger train per mile, the cost of running the Imperial Indian Mail is estimated at approximately Rs. 4,04,000 in the year 1934 and the cost of the Bombay-Madras Postal Express is similarly estimated at Rs. 54,068 during the same year.

(3) Special trains are run for the conveyance of foreign mails in France between Marseilles and Calais or Boulogne, and in England between Folkestone, or Dover and London. Information as regards other similar services in these and other countries is not available.

(4) The average number of passengers carried by the Imperial Indian Mail trains during the year 1934 was 28 each way. No passengers are carried by the Bombay-Madras Postal Express.

(5) The income derived from the carriage of passengers and luggage by the Imperial Indian Mail trains during 1934 was approximately Rs. 5,12,000.

(6) The amount paid by the Posts and Telegraphs department during 1934 for the Imperial Indian Mail trains was Rs. 2,14,902 being 53 per cent. of the estimated cost of the service and for the Postal Express from Bombay to Madras Rs. 41,288 being 76 per cent. of the total cost of the service;

(b) As regards the first part of the question, it will be seen from the reply given to part (a) that the running of these special trains is not a costly affair to Government.

As regards the second part, the reply is in the negative;

(c) Except during a short period of the year when traffic is slack, the mail trains between Bombay and Calcutta cannot take the additional coaches carrying passengers and mails which have to be conveyed after the arrival of the P. & O. mail steamers at Bombay or in the reverse direction to connect with the outward mail steamers. The quantity of mails to be carried by the Bombay Madras Postal Express is too heavy to be carried by the ordinary trains running between Bombay and Madras. This latter train carries not only the mails intended for delivery in India but also the through mails to the Straits Settlements for the conveyance of which the Postal Department receives payment from the foreign administrations whose through mails are carried;

(d) Government have considered the question on more than one occasion. The timings of the ordinary daily trains are arranged to suit the requirements of the internal mails of the country and of normal passenger traffic. As stated in the reply

to part (c), of the question, the volume of foreign mails and the number of passengers arriving by the P. & O. mail steamers is such that it cannot be carried by the ordinary mail trains during the greater part of the year. The time of the arrival of the mail steamer at Bombay is also not definite and the time of departure of the special trains are so fixed as to enable the mails to be sorted and loaded in Bombay and the passengers to clear their luggage through the customs and to board the trains.

Information promised in reply to starred question No. 1618, asked by Mr. Sri Prakasa, on the 6th April, 1935.

TERMS OF THE AGREEMENT BETWEEN RAJA MAHIPNARAIN AND THE GOVERNOR GENERAL IN COUNCIL.

(a) The agreement provided that the surplus should be "annually expended in this district, and applied, under the authority of the Company's Government, towards the charges of the civil and judicial establishments in the support of the new and old Courts, and for the maintenance of the pautsalla or Hindoo College, and for repairing the roads and constructing bridges, and promoting the cultivation, etc."

The Honourable Member has omitted the charges relating to civil and judicial establishments.

(b) and (c). The information is not readily available, revenue and expenditure of the tract in question having been merged in the general Provincial account.

(d) Government are not aware of any deviation from the agreement.

(e) These matters are primarily the concern of the Local Government.

Information promised in reply to starred question No. 27, asked by Mr. Sham Lal, on the 2nd September, 1935.

CONTROL OVER THE AGRA CANAL.

(a) The Agra Canal takes off from the Jumna river about 120 miles below Tajewala where the Headworks of the Eastern and Western Jumna Canals are situated. No provision was made for the Agra Canal in the distribution of water at Tajewala.

(b) The Punjab Government controls the supplies at Tajewala and distributes them between the Eastern and Western Jumna Canals according to a definite agreement between the Governments of the Punjab and the United Provinces. Canal irrigation in the Gurgaon district is not under the control of the Punjab Government; but that Government watches the interests of its irrigators and makes representation to the Government of the United Provinces when necessary.

(c) The supplies in the Agra Canal are very limited at certain periods of the year. The canal draws most of its supply from the Ganges Canal. The supply is made on a definite share basis and not haphazard.

(d) "Abiana" is collected by the Revenue officials, who are employed by the Punjab Government. Remissions are sanctioned under fixed rules by the canal officials of the United Provinces in consultation, when required by the rules, with the Punjab Government officials. No other arrangement is possible on a canal supplying water in two provinces.

(e) In 1930 the Agra Canal rates in the Gurgaon district were brought into line with the Punjab Canal rates so as to secure uniformity in rates in the Punjab.

(f) No. In the United Provinces two rates are charged for water—an occupier's rate and an owner's rate. The occupier pays the usual water rate; the owner pays about $\frac{1}{3}$ of the occupier's rate. The owner's rate is collected, either directly or indirectly as land revenue, the method depending on whether a land revenue settlement was made before or after the introduction of irrigation in the area. In respect of Agra Canal irrigation, if the owner's rate is added to the occupier's rate, the United Provinces rates would be about annas 0.4-0 and annas 0.12-0 higher than the Gurgaon

rates for sugarcane and wheat respectively. On the other hand the rate for cotton in Gurgaon is about Rs. 1-8-0 per acre above the combined rate in the United Provinces.

The rates on the Punjab Government Canals have recently been lowered as a temporary measure. The portion of the Agra Canal in the Gurgaon district has not received this concession.

Information promised in reply to starred question No. 136, asked by Mr. S. Satyamurti, on the 5th September, 1935.

RETURN ON THE TOTAL CAPITAL COST OF NEW DELHI.

New Delhi is not, and was never intended to be, a source of direct profit to Government. Revenue accrues from some of the works and services financed from capital—such as the houses and quarters belonging to Government, and the electric supply undertaking which now belongs to the New Delhi Municipal Committee. But the great bulk of the expenditure is obviously unremunerative, and on New Delhi as a whole (if interest charges are taken into account) there was no return either in 1933-34 or in 1934-35.

Information promised in reply to supplementary question by Dr. Khan Sahib to starred questions Nos. 197, 210 and 213, asked by Mr. S. Satyamurti, on the 9th September, 1935.

TRIBAL VENDETTA ON THE NORTH-WEST FRONTIER.

It has been verified from the North-West Frontier Government that the answer is in the negative.

Information promised in reply to unstarred questions Nos. 23 and 53 asked by Srijit N. C. Bardaloi on the 9th September, 1935.

APPOINTMENT OF ASSAMESE IN CERTAIN APPOINTMENTS IN THE COMPTROLLER'S OFFICE, ASSAM.

23. (a) No. The number of permanent, temporary and officiating appointments in the different cadres as they stood on the 30th August, 1935, is as follows :

Kind of service.	No. of posts.	Hindus of Bengali race including Sylhet Bengali.	Others.
(i) Central Services, Class I.	2	1	1 (Anglo-Indian).
(ii) Central Services, Class II	2	2	—
Temporary	1	1	—
(iii) (a) Superintendents and Senior Accountants of the All India List.	16	17	1 (Anglo-Indian).
Temporary	2	..	1 (Muslim).
(b) Subordinate Account Service Apprentice.	1	..	..

Kind of service.	No. of posts.	Hindus of Bengali race including Sylhet Bengali.	Others.
(iv) Divisional Accountants	3	3	—
(v) Clerks	106	91	23
Temporary	8		Indian Christian . . . 4 Sylhet Muslim . . . 9 Assamese Muslim . . . 4 Khasi . . . 1 Anglo-Indian . . . 3 Assamese Hindu . . . 2 23
(vi) Typists and Stenographers.	4	3	1 (Indian Christian).
(vii) Record clerks	12	7	6
Temporary	1		Indian Christian . . . 1 Khasi . . . 2 Sylhet Muslim . . . 1 Assamese Muslim . . . 2 6

(b) No.

A competitive examination for the recruitment of clerks was held from time to time up to 1926. This examination was open to all.

(c) No.

From 1929 to 1934 recruitment has been made direct as well on the result of the competitive examination held in 1926 in the proportion of two Hindus to one member of a minority community (the latter term including Muslims, Anglo-Indians, Indian Christians and Khasis).

The present recruitment is made in the proportion of seven of the majority community to four Muslims and one from the other minority communities in every 12 vacancies.

(d) Yes.

(e)

Kinds of Service.	Hindus of Surma Valley.	Assamese Hindus.	Assamese Muslims.
(i) Central Services, Class I	Nil	Nil	Nil
(ii) Central Services, Class II	2	Nil	Nil
(iii) Superintendents and Senior Accountants.	14	Nil	Nil
Subordinate Accounts Service Apprentice.	Nil	Nil	Nil
(iv) Divisional Accounts	2	Nil	Nil
(v) Clerks	75	2	4
(vi) Typists and Stenographers	3	Nil	Nil
(vii) Record Clerks	6	Nil	2

(f) Recruitment is made according to prescribed proportions from communities within the area designated as providing personnel for the particular central office but no distribution of recruitment is ordinarily made between classes of the majority community in any area.

(g) The Selection Board consists of the Deputy Comptroller, one Assistant Accounts Officer and the Superintendent in charge of Establishment. The recommendation of the Board is subject to the approval of the Comptroller. The three last mentioned officers are Bengalees at present.

(h) It is the policy of the Government of India to reserve vacancies not for territorial or tribal sub-sections of the population but only for communities which form a distinct minority by virtue of the fact that they profess a religion distinct from Hinduism. Accordingly no vacancies are reserved for Assamese as such, but those Assamese who belong to a minority community, e.g., Muslims or Christian, are eligible for the percentages of vacancies reserved for "Muslims" or "Other minority communities".

Recruitment in the office of the Comptroller, Assam, is confined to Assam Province, and the Comptroller has appointed two Assamese Hindus and four Assamese Muslims in temporary vacancies in his office during 1934-35 and 1935-36 of whom three Assamese Muslims still continue in service. He has also registered names of several Assamese candidates for appointment in future vacancies in his office.

MAIL SORTERS IN EAST BENGAL AND ASSAM.

53. (a) Eleven, but the recruitment was not made by competitive examination. The examination held was a purely qualifying one and gave no right of employment to those who qualified by passing it.

(b) No.

(c) Yes.

(d) Yes, but in an officiating capacity.

(e) Yes, in view of the impending retrenchment campaign and call for strict economy.

(f) Yes. These vacancies were kept unfilled in view of the contemplated reduction of establishment.

(g) Yes, as recruitment was then open only to the lower grade.

(h) Government have seen the Circular.

(i) No, as this is inadmissible under the Government's orders published in the Circular mentioned above.

Information promised in reply to a supplementary question in connection with starred question No. 260, asked by Mr. C. N. Muthuranga Mudaliar, on the 11th September, 1935.

RESULTS OF EXCAVATIONS AT NAGARJUNAKONDA IN THE GUNTUR DISTRICT.

The following orders were issued by Government in 1930 regarding the distribution of antiquities discovered in the course of excavation by the Archaeological Department:

"The museums which have to be considered are of three kinds, viz., national museums maintained by the Government of India at present only at Delhi and Calcutta, Provincial museums maintained by the different provincial Governments and local museums established by the Archaeological Department on or in the vicinity of actual excavation sites. The distribution of antiquities to these three classes of institution will in future be regulated as follows. When local museums are opened, the whole of

the antiquities discovered at the adjoining excavation site will be exhibited in them, so as to ensure that collections of antiquities discovered at important excavation sites are displayed in proper focus and amid their natural surroundings. The Government of India will not remove such collections or any part of them from local to national museums, other than duplicate individual objects which are superfluous to local requirements, and no portion of such collections will be made over to the provincial museum of the local Government concerned, which will already enjoy the advantage of having the local museum within its borders. But when no such local museums are established the method of distribution will be as follows:

- (a) Half of each set of antiquities excavated will be offered to the local Government or Administration of the province in which it has been found, and the offer will be subject only to the stipulation that the collection shall be properly exhibited and adequately protected and shall not be split up without the consent of the Government of India.
- (b) The division of the antiquities will be made by the Archaeological Department and the local Government or Administration concerned will be allowed to choose whichever half it prefers.
- (c) If, in any case, the Archaeological Department considers it desirable not to break up a collection to the extent indicated above, the party which obtains the smaller share will be entitled to claim a proportionately larger share on the next occasion. For this purpose, the objects which either party may receive in excess of its 50 per cent. share will be treated as a loan from the other party and taken into account on the next occasion when a collection of antiquities has to be divided.
- (d) The half-and-half method of distribution outlined above will be applied also to cases, if any, in which the Archaeological Department abandons a local museum. Should the Archaeological Department close down any such museum, the objects which the museum contained would be divided and the local Government concerned would be allowed to retain which half of them it preferred.
- (e) If in any cases the Archaeological Department does not require the whole of the antiquities which are allotted to it under the system described, it will be at liberty to loan any portion of them to individual local Governments which do require them, on such conditions as it imposes.

Information promised in reply to parts (b) to (f) of starred question No. 516, asked by Mr. B. B. Varma, on the 19th September, 1935.

DRIVERS IN THE JHANSI DIVISION OF THE GREAT INDIAN PENINSULA RAILWAY.

(b) Drivers employed in the highest grade on the Jhansi Division are either Europeans or Anglo-Indians.

(c) No. There are at present Indian Christian and Parsi guards,

(d) Yes, except that Indian Christians are to be found in the higher grades.

(e) Yes.

(f) The reply to the first part of the question is in the affirmative.

As regards the latter portion, as stated in reply to part (c) above, there are Indian Christian and Parsi drivers working passenger trains on the main line. There are no permanent Indian Passenger Guards working these trains but all "A" and "B" grade

Indian Goods Guards work in spare and relieving turns on passenger trains on the main line on the Jhansi Division. The reasons why Indian guards have not reached the higher grades of guards are that, prior to 1930, only Europeans and Anglo-Indians were recruited directly to higher grades and with the retrenchment since 1931 owing to the abolition of certain posts, promotion of Indians to higher grades has been retarded. The Indian guards are not debarred from promotion and they will, no doubt, rise to higher grades in due course.

Information promised in reply to starred question No. 592, asked by Mr. Muhammad Azhar Ali, on the 23rd September, 1935.

RESIDENTIAL ACCOMMODATION FOR GOVERNMENT SERVANTS IN NEW DELHI AND SIMLA.

(a) The number of married quarters is:

New Delhi	2,251
Simla	319

Single quarters are not included in these figures.

(b) The percentages for applicants were:

New Delhi 1934-35	89
Simla 1935	27

(c) The percentages for applicants are or will be:

New Delhi 1935-36	87
Simla	25

(d) Exact figures cannot be given without the collection of particulars from all Departments. The quarters in Simla suffice for considerably more than 5 per cent. of the personnel.

(e) Yes, but allowances are paid to members of the Secretariat staff who do not obtain Government accommodation.

(f), (g) and (h). Government have no information and do not propose to institute a special enquiry.

(i) and (j). House allowances are paid which should enable clerks to obtain suitable accommodation.

(k) No. It would be impossible to build on a very large scale in Simla, and future arrangements there are uncertain.

(l) and (m). Attention is invited to the reply given in this House by the Honourable the Home Member to starred question No. 721 by Mr. S. Satyamurti, on the 7th March, 1935.

Information promised in reply to part (b) of starred question No. 704, asked by Babu Baijnath Bajoria, on the 26th September, 1935.

ALLOTMENT OF SUMMER HILL QUARTERS, SIMLA.

16, 33 and 24 'A' class quarters at Summer Hill, Simla, were allotted during the years 1932, 1933 and 1934 respectively, to officers entitled to rent free accommodation. The total amount of rent realised for the rest of the quarters during these years was Rs. 4,967, Rs. 2,711 and Rs. 5,279, respectively.

Information promised in reply to starred question No. 731 asked by Pandit Govind Ballabh Pant on the 26th September, 1935.

INDIANS, EUROPEANS AND ANGLO-INDIANS IN THE VARIOUS PORT TRUSTS.

Statement showing the number of Indians, Europeans and Anglo Indians in the various Port Trust services in posts carrying pay of more than Rs. 400 p.m. during the last ten years.

Port Trust.	1925-26.	1926-27.	1927-28.	1928-29.	1929-30.	1930-31.	1931-32.	1932-33.	1933-34.	1934-35.	1935-36.
	E. A. I. I.	E. A. I. I.	E. A. I. I.	E. A. I. I.	E. A. I. I.	E. A. I. I.	E. A. I. I.	E. A. I. I.	E. A. I. I.	E. A. I. I.	E. A. I. I.
1. Chittagong	4 1 ...	6 1 ...	6 1 ...	9 1 ...	9 1 ...	9 1 ...	9 1 ...	9 1 ...	8 1 ...	8 ...	...
2. Bombay*	104 40 41	100 39 37	98 37 36	95 36 39	92 37 45	89 37 45	84 37 46	77 36 45	75 36 42	71 32 44	...
3. Calcutta	143 95 15	138 101 17	141 93 20	146 100 22	150 105 28	149 104 32	150 100 31	141 91 32	130 80 33	119 83 33	...
4. Karachi	...	27 1 7	27 1 7	26 1 8	26 1 8	24 1 9	21 1 12	21 1 11	21 1 11	21 1 11	20 1 12
5. Rangoon	60 14 12	65 24 15	70 23 15	68 25 16	72 26 16	71 27 16	68 26 17	63 22 16	62 19 16	60 19 15	...
6. Madras	...	12 2 5	13 2 5	13 2 6	16 5 5	17 5 7	17 5 7	17 5 7	16 5 7	14 5 7	12 4 6
7. Aden	10 1 ...	9 1 1	9 1 2	10 ... 2	11 ... 2	10 ... 2	10 ... 2	10 ... 2	10 ... 2	10 ... 2	...

E.—Europeans.

A. I.—Anglo-Indians.

I.—Indians.

* Figures include posts carrying a maximum pay of Rs. 500 or over.

† (i) Figures relate to posts carrying a maximum pay of Rs. 500 or over. (ii) Figures in column 1 include Burmans, etc.

Information promised in reply to parts (c), (d) and (e) of starred question No. 735, asked by Mr. Anugrah Narayan Sinha, on the 26th September, 1935.

ELIGIBILITY OF TELEPHONE OPERATORS TO PENSION.

(c) Six.

(d) No. as they were appointed substantively after the 8th July, 1919, with retrospective effect from 1st March, 1919.

(e) Does not arise.

DEATHS OF MR. DEEP NARAYAN SINGH, KHAN BAHADUR ALIMUZZAMAN CHAUDHURI AND MR. KAMINI KUMAR CHANDA.

The Honourable Sir Nripendra Sircar (Leader of the House): It is my painful duty to bring to your notice and to the notice of this House the death of an Honourable Member of this Assembly, Mr. Deep Narayan Singh. I had the good fortune of knowing him when I started life in Bhagalpur and he was practically my next door neighbour. Those of us who have come across him know him as a man of culture, obliging and considerate to others, and in every sense of the term a gentleman. I have been informed that he did extremely good work as a member of the Road Committee and the speeches that he made here, though they were not too many, were in language to which no one could take exception, although he put forward his views as vigorously as possible. It is rather difficult to realise that Mr. Deep Narayan Singh, whom we met in the last Delhi Session and who was apparently in good health and of a very cheerful disposition, is no more with us. I request you to convey to the family of the late Mr. Deep Narayan Singh our sincere grief and our condolence on this occasion.

I have also to mention the death of two persons who were Members of this Assembly, but whom I have not the good fortune of knowing. One is Khan Bahadur Alimuzzaman Chaudhuri. I am sure, other Members of the Assembly will be able to tell you about him. The same applies to Mr. Kamini Kumar Chanda who, I am told, was a Member of this House. In connection with both these gentlemen, I make the same request.

Mr. Bhulabhai J. Desai (Bombay, Northern Division: Non-Muhammadan Rural): It is my somewhat melancholy duty at the commencement of the Sessions of this House to have to refer to the deaths of those who were our active Colleagues and those who were associated with the work of this Assembly before. So far as our friend, Mr. Deep Narayan Singh, popularly known as Deep, is concerned, it is almost difficult to realise that he has passed away. In his death, this House, I venture to say, has suffered an almost irreparable loss. At all events, speaking for those on this side of the House, his place is difficult to fill, though we have a successor who has been returned by his constituency almost in the same unanimous manner in which Deep was. He was above all a popular man, but his popularity was not based on a mere facile temperament. It had a much deeper foundation—an almost infectious good cheer and a temperament which refused to acknowledge defeat under all circumstances. More than that, he was a patriot who considered no sacrifice too great, whenever his services were demanded in the cause of his country. He was a really learned and cultured man. The more one

[Mr. Bhulabhai J. Desai.]

knew him, the more one loved him. He has departed, but his memory would always remain behind as a great example of steadfast loyalty to the cause for which he stood. I join the Leader of the House in the request that he has made to convey our earnest sense of loss and our deep sense of sorrow to his bereaved widow and the other members of his family. As regards the other two gentlemen, they belonged to a period of time when I had no occasion to be in this Assembly; and all I can say, in the spirit of the observation which I made yesterday, is that, whatever party they belonged to, the circumstances of their death bring them, in any expressions of sorrow on our part, on a level of the common humanity in which each of us and all of us share.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I should like to say a few words about the death of Mr. Kamini Kumar Chanda. He was a Member of this House, I believe, for two consecutive terms. He was also a Member of the old Imperial Legislative Council, and he was also a Member of the Provincial Council of Assam. Sir, his activities were not confined merely to the Legislature. He had a long, and distinguished public life and he rendered great services to the political, social and economic advancement of the country. Sir, he was a well-known Advocate of the Calcutta High Court. He commanded an extensive practice, especially in Eastern Bengal and Assam. Although a very brilliant practitioner, he always took a prominent and active part in all the progressive movements of the country. He was a distinguished member of the Congress, the most powerful political organisation of the country. Certainly, by his death, Sir, the country has suffered an irreparable loss.

Sir, with regard to the death of our late lamented friend, Mr. Deep Narayan Singh, I do not wish to add to all the observations made by the Honourable the Leader of the House and the Honourable the Leader of the Opposition. I wish only to content myself by saying this, that, to know him was to love him.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Sir, once again we have to mourn the loss of a sitting Member of this Honourable House and to condole with his family and also with the Congress Party on the loss of one more of their members. Sir, Mr. Deep Narayan Singh had a most charming personality which attracted to him men of all communities and all classes. I had known him for many, many years. I remember him visiting my City of Bombay on more than one occasion during the last thirty years, and there was something about Mr. Deep Narayan Singh which attracted towards him people of divergent classes and divergent views. He was a charming companion, a most interesting conversationalist, a man who had travelled all over the world, in fact every nook and corner of the globe, and who had taken advantage of his travel by personal observation and wide reading. Mr. President, perhaps some of my Honourable friends do not know that Mr. Deep Narayan Singh, when he was at Cambridge, was one of the most popular Indians Cambridge ever had. It was before my time, but I can remember hearing of Mr. Deep Narayan Singh at Cambridge as a most distinguished Indian. He was a Zamindar in a fairly big way, and gave of his plenty to the poor of all classes, and I see now from the papers that he has left the

DEATHS OF MR. DEEP NARAYAN SINGH, KHAN BAHADUR ALIMUZZAMAN
CHAUDHURI AND MR. KAMINI KUMAR CHANDA.

whole of his fortune for the benefit of his province. Mr. President, I join with the others and associate the Independent Party with this Resolution and request you to convey to Mrs. Deep Narayan Singh, to whom the loss will be irreparable, our sincerest condolences, and we trust and hope—which we know she will—that she will follow in the footsteps of her noble husband in philanthropy, and sympathy and active co-operation with all classes and creeds.

Sir Leslie Hudson (Bombay: European): Sir, I wish to associate myself and my Party with all that has fallen from the other Leaders of Parties in this House. Mr. Deep Narayan Singh, whom I had the pleasure to know for the last two years, became, with his culture and with his charming manner, an object of very kindly regard, I may say affectionate regard, of all those Honourable Members who sit behind me. I associate my Party with the Resolution of the Honourable the Leader of the House.

Mr. President (The Honourable Sir Abdur Rahim): In accordance with the request of the Honourable Members, it will be my duty to convey to the bereaved families of the three deceased Members of this House the expressions of sympathy and condolence which have been made. I knew Mr. Deep Narayan Singh for a long time and, as has been said, all those who came across him could not help being attracted by the charm of his personality. He was a prominent Zamindar of the district of Bhagalpur in the Province of Bihar, where an important college was founded by his father and the greater portion of the income of the Zamindari was devoted to the maintenance of that college. Mr. Deep Narayan Singh gave very largely out of his income towards charities and educational institutions and he was an extremely popular and respected figure in his Province. As regards his work in this Assembly, as has been stated by the Leader of the House, though he spoke seldom, whenever he did speak, he spoke with effect. I feel it a personal loss that he should have disappeared from our midst so soon after he joined this Assembly. As regards Khan Bahadur Alimuzzaman Chaudhuri, I did not know him as a Member of this Assembly. He was an inhabitant of my province and a Zamindar and he was also a member of the local Council. All those who knew him, knew him to be a perfect gentleman. Mr. Kamini Kumar Chanda was also in this Assembly before my time. I associate myself with what all has been said by Mr. Akhil Chandra Datta regarding him. I shall convey the expression of condolence and sympathy of this House to the bereaved families of these gentlemen, and, as Sir Cowasji Jehangir very well said, our special sympathy goes out to Mrs. Deep Narayan Singh to whom the death of her husband must have been a grievous loss indeed.

MOTIONS FOR ADJOURNMENT.

LACK OF DISCIPLINE IN THE KING'S REGIMENT STATIONED AT JUMBUHPUR.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of a motion for adjournment of the business of the House by Mr. Akhil Chandra Datta. He proposes to move for the adjournment of the

[Mr. President.]

House to discuss a matter of urgent public importance, namely, the lack of discipline in the King's Regiment as evidenced by the conduct of some soldiers of that Regiment in the village of Benda near Jubbulpore.

Since then, I have received a message from His Excellency the Viceroy and Governor General that, in the exercise of the powers vested in him under sub-rule 2 of Rule 22 of the Indian Legislative Rules, he has disallowed this motion on the ground that the motion cannot be moved without detriment to the public interest.

RIOTING OF THE SOLDIERS OF THE KING'S REGIMENT STATIONED AT JUBBULPORE.

Mr. President (The Honourable Sir Abdur Rahim): The next motion of which notice has been given is also by Mr. Akhil Chandra Datta. It also relates to the same subject* and is, therefore, barred.

EXTERNMENT ORDERS ON CERTAIN INDIAN SHOPOWNERS AND TRADESMEN IN IRAQ.

Mr. President (The Honourable Sir Abdur Rahim): The third motion for adjournment given notice of by Mr. Akhil Chandra Datta is to the effect that he proposes to discuss a definite matter of urgent public importance, viz., the situation created in Iraq by the passing of externment orders on certain Indian shopowners and tradesmen.

I should like to know what the Honourable Member has to say as to whether the situation created in Iraq is definite enough within the meaning of the rule.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Mr. President, it is definite in this sense that the externment order has been passed upon several Indians asking them to leave the country within a few days.

Mr. President (The Honourable Sir Abdur Rahim): What is the situation created? No particular facts are mentioned.

Mr. Akhil Chandra Datta: As far as I have been able to gather information from the letters received from men in that country, an order has been passed without any particular or adequate reason externing the Indians from that country. It is said to be part of the programme for expelling Indians from Iraq.

Mr. President (The Honourable Sir Abdur Rahim): I do not think I made myself understood to the Honourable Member. What is the situation created? That is what I want to know.

*"I propose to move a motion for adjournment of the business of the Assembly on the opening day of the next Session for the purpose of discussing a matter of urgent public importance, namely, the situation created by the rioting of the soldiers of the King's Regiment stationed at Jubbulpore in the village of Benda near Jubbulpore, Central Provinces".

Mr. Akhil Chandra Datta: The situation created is this: that these people from India who have settled down there for a long time, who have invested a lot of money and who have been doing business, have been turned out from that country.

Mr. President (The Honourable Sir Abdur Rahim): The rule requires that it must be a definite matter of urgent public importance. The situation described by the Honourable Member is rather general and vague and no particular facts are mentioned as to the situation that has been created.

Mr. Akhil Chandra Datta: I do not think I have any other facts beyond this, that notice has been served externing several people without any reason whatsoever.

Mr. President (The Honourable Sir Abdur Rahim): There is another point on which I should like to know what the Honourable Member has to say. Iraq, I take it, is a foreign country within the meaning of the Rules and Standing Orders governing motions like this.

Mr. Akhil Chandra Datta: I do not think in my motion the question about a foreign country arises at all. The relationship is there, and, on the basis of that relationship, my information is that the Indians settled in Iraq have great grievances and the Government of India are at least in a position to redress those grievances. In a situation like that, the question of foreign relationship does not arise. That relationship should continue as it is, and, on the foundation of that relationship, the Government of India should try to redress the grievances of these Indians who have been externed.

Sir Aubrey Metcalfe (Foreign Secretary): All I have to say is that I take formal objection to the motion on the ground which the Chair has already mentioned, namely,

Mr. President (The Honourable Sir Abdur Rahim): I simply wanted to know what the Honourable Member, Mr. Akhil Chandra Datta, has to say on that point.

Sir Aubrey Metcalfe: The objection that I take is based on Rule 12 and Rule 22 of the Indian Legislative Rules which lay down that no motion for adjournment may be moved with regard to a subject on which a Resolution will not be permitted. My contention is that, in this particular case, it would be impossible to discuss this affair without trenching upon matters which affect the relations of His Majesty's Government with a foreign state. I may, however, make it quite clear that the Indian public—and even the Honourable the Mover of this motion—appear to be extremely ill-informed on this subject. If you, Sir, decide to over-rule my objection, I should be very happy to meet—and I hope to meet successfully—any criticisms which the Honourable the Mover may put forward.

Mr. President (The Honourable Sir Abdur Rahim): I suggested this difficulty, because it seemed to me that the rulings were not quite uniform. I wish to point out that there is a ruling (No. 588, Vol. II

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of the Decisions from the Chair) by Sir Shanmukham Chetty that, in such cases, so far as a motion raises the question of protection of Indians in foreign countries, there is no prohibition. I propose to follow that ruling.

Sir Aubrey Metcalfe: I have not seen the ruling, Sir, but I am perfectly prepared to bow to any decision which the Chair may take in the matter.

Mr. President (The Honourable Sir Abdur Rahim): Did the Honourable Member object to this motion?

Sir Aubrey Metcalfe: I raised an objection on formal grounds.

Mr. President (The Honourable Sir Abdur Rahim): As objection has been taken, those who are in favour of leave being granted will rise in their places.

(A count was then taken.)

As not less than 25 Members are in support of leave being granted, the motion will be taken up at 4 o'clock.

PANEL OF CHAIRMEN.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the House that, under rule 3(1) of the Indian Legislative Rules, I nominate Pandit Govind Ballabh Pant, Sir Cowasji Jehangir, Sir Leslie Hudson and Sir Muhammad Yamin Khan on the Panel of Chairmen for the current Session.

COMMITTEE ON PETITIONS.

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

- (1) Sir Leslie Hudson,
- (2) Mr. B. Das,
- (3) Dr. Ziauddin Ahmad and
- (4) Mr. M. S. Aney.

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

ELECTION OF A MEMBER TO THE SELECT COMMITTEE ON THE AMENDMENTS OF THE STANDING ORDERS.

Mr. President (The Honourable Sir Abdur Rahim): Honourable Members are aware that the proposed amendments of the Standing Orders moved by Mr. C. N. Muthuranga Mudaliar and Dr. G. V. Deshmukh were referred, during the last Simla Session, to a Select Committee consisting of the President, the Deputy President and several

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members who were selected by the Assembly in accordance with the requirements of Standing Order 56(2). Since then, one of the selected members, Sir Lancelot Graham, has resigned his seat in the Assembly, and a vacancy has, therefore, taken place among such members of the Select Committee. In order that the provisions of Standing Order 56(2) may be complied with, it is necessary that this vacancy should be filled.

I have, therefore, to announce that nominations for filling up the vacancy will be received in the Notice Office up to 12 noon on Wednesday, the 5th February, and the election, if necessary, will, as usual, be held in the Secretary's Room in the Council House on Friday, the 7th February, 1936, between the hours of 10-30 A.M. and 1 P.M. by means of the single transferable vote.

GOVERNOR GENERAL'S ASSENT TO BILLS.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform Honourable Members that the following Bills which were passed by both Chambers of the Indian Legislature during the Simla Session, 1935, have been assented to by His Excellency the Governor General under the provisions of sub-section (1) of section 68 of the Government of India Act:

1. The Aligarh Muslim University (Amendment) Act, 1935.
2. The Indian Army (Amendment) Act, 1935.
3. The Central Provinces Courts (Supplementary) Act, 1935.
4. The Provincial Small Cause Courts (Amendment) Act, 1935.
5. The Provincial Insolvency (Amendment) Act, 1935.
6. The Factories (Amendment) Act, 1935.
7. The Repealing and Amending Act, 1935.
8. The Jubbulpore and Chhattisgarh Divisions (Divorce Proceedings Validation) Act, 1935.
9. The Indian Coffee Cess Act, 1935.

RESOLUTION RE APPOINTMENT OF A JOINT STANDING ARMY COMMITTEE.

Mr. President (The Honourable Sir Abdur Rahim): I understand that Nawab Sahibzada Sir Sayad Muhammad Mehr Shah has authorised Sardar Mangal Singh to move the Resolution which stands in his name, and I call upon him to do so.

Sardar Mangal Singh (East Punjab: Sikh): Sir, I move:

"That this Assembly recommends to the Governor General in Council to appoint a joint Standing Army Committee, consisting of Members from both the Houses, to advise the Government on all matters connected with the defence of India."

Belonging as I do to a province which contributes the biggest share to the Indian Army, I am moving this Resolution with the fullest sense of responsibility. Before I proceed further, I wish to assure the Army Secretary that the object of this motion is not to create difficulties for the Army Headquarters in the administration of this important department, nor to embarrass the military authorities in the carrying on of their difficult and delicate task. I hold, Sir, that we want an efficient and strong

[Sardar Mangal Singh.]

army that would be able to meet any conceivable emergency and should be competent to protect the country from external as well as internal dangers. The army is not a joke; to its care are committed the lives and properties of 35 crores of human beings. Nothing should be done or said in this House or outside which would impair or tend to impair the efficiency and the discipline of the armed forces. It is, therefore, in the spirit not of obstruction but of sincere co-operation, it is in the spirit not of destructive criticism but of offering constructive proposals with a view to improve the position, that I am bringing forward this Resolution for the appointment of a joint Standing Army Committee.

Sir, a very important experiment in the direction of Indianisation of the army is going on. We feel that that experiment is not being carried on on proper and sound lines. We are very anxious that that experiment should succeed and that the foundation of the future Indian Army should be well and truly laid on a sound basis. It is in this spirit that I want to approach this question, and I hope and trust that my observations on this motion will be taken in that light.

Now, Sir, assurances have been given by the Government spokesmen both in this House as well as in the other House that the Indian Legislature would be consulted before Government took any decision to send out troops outside this country. Speaking on the Indian Navy Bill in 1984, the Army Secretary said:

"At the same time, we are fully alive to the desirability, both I may say in our interests and also in the interests of the tax-payer, of taking the elected representatives of the people into our confidence in these matters to a far larger extent than we have done in the past. (Hear, hear.) With the approval of the Secretary of State, I am, therefore, authorised to announce that it is the intention to consult the Indian Legislature, so far as may be possible, whenever any question arises of lending the Indian Navy to the Admiralty for operations other than in the defence of India. That, Sir, is all that we can do for the moment; but I do hope it will go some way, in fact I hope a considerable way, to satisfy my Honourable friends opposite that we do really appreciate their point of view in this matter and are anxious to go as far as we can to meet it. I can assure them that we intend to carry out that pledge not only in the letter, but in the spirit."

I wish that he would mark his own words which he uttered at the end of the quotation. Again, Sir, the same pledge was repeated in the Simla Session by his successor, Colonel Lumby. Speaking on the same Indian Navy Bill, he said:

"I assure the House that this is a definite pledge, and not merely a formula of words."

After these pledges, the Government of India decided last year to send out a small contingent to Abyssinia without consulting the Legislature, and the plea was put forward that the Legislature was not in Session. During the discussion on the Adjournment Motion last year, the same question was also taken up in the Council of State. In the Council of State, Sir, Member after Member rose from his seat and demanded the appointment of a Joint Standing Army Committee, so that the Committee might be consulted when the Legislature was not in Session. Referring to this demand, His Excellency the Commander-in-Chief said:

"I am quite certain, the Government would consider that sort of a request with every desire to meet your wishes and the wishes of political India, provided that you put up an absolutely agreed proposal, concurred in by all parties in India."

Some days after that, some of us considered this question and put up this Resolution as an agreed measure, concurred in by all the parties. Some of the Members of the Council of State also undertook to send notice of a similar Resolution to that House. I do not know whether they have done so or not, but it was agreed amongst all of us that we should send the Resolution to both the Houses. Sir, after these assurances and after we have put forward an agreed proposal, now how can the military authorities come forward and say "Oh, we did not mean that, we meant this, we meant that". That sort of lame logic, I am sorry to say, would not help them and would not satisfy the public opinion of this country. I think, Sir, that the Government should, like soldiers, come straight forwardly and say 'yes or no' whether in military affairs they want to consult us or whether they do not want to consult us. What is the method they are going to adopt? We have been hearing during the last several years a lot of these things. From 1917 we have been hearing that the declared policy of His Majesty's Government is the increasing association of Indians in every branch of the administration. Again, at the time of the Round Table Conference, this principle was taken up in the sub-committee called "Defence". In that committee, Sir, it was definitely decided that the defence of India must to an increasing extent be the concern of the Indian people, and not of the British Government alone. This is very important; and this decision was later on incorporated in the White Paper. It was again accepted by the Joint Parliamentary Committee, and I understand, it has been included by His Majesty's Government in the Instrument of Instructions issued to His Excellency the Governor General. Now, Sir, along with this, the Committee also decided that a military council should be established in India to advise the Government. Referring to this proposal, Mr. J. H. Thomas, the Chairman of that sub-committee said:

"No one could argue against that. Therefore merely to have a discussion that there shall be a military council would be a waste of time. You are quite right and I am accepting that as a general principle. There would be no point in arguing the reasons why there should be a military council. As a matter of fact, I am advised by my Secretary that I had thought of the words "the advisability of establishing a military council including representatives of the Indian States was agreed to", because there was no disagreement on that and there was no point in arguing something which would be obvious."

Now, Sir, in that committee there was no difference and they definitely advised His Majesty's Government that a military council should be established in India to advise the Government on military affairs. After all these assurances and after the speech of His Excellency the Commander-in-Chief, I cannot understand how the military authorities can go back upon it.

An Honourable Member: But have they gone back?

Sardar Mangal Singh: That is what I fear. I shall be very glad if the Army Secretary would accept my Resolution. But if, as I fear, it is not possible for Government to accept the Resolution.

An Honourable Member: Let us hope for the best.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Do not be disappointed.

Sardar Mangal Singh: Now, Sir, as I have already said, the military authorities are carrying on a very important experiment in the direction of Indianization. We are very anxious over this and we are greatly concerned that that experiment should be a success. We do not want to hear after a few years that the experiment has failed and, therefore, that the Indianization would be stopped. Already His Excellency the Commander-in-Chief said last year that they were not getting good material. Our complaint is that the experiment is being carried on on wrong lines and, therefore, we should not hear after some years that the experiment has failed. If you appoint a committee, I am sure the experiment would not fail. I would remind the Honourable the Army Secretary that in the Cantonments (Amendment) Bill he appointed a Select Committee. How did that Committee work? It was mostly due to the reasonable spirit of my Congress friends, but I must say and I have no hesitation in admitting, that most of the credit goes to the Honourable the Law Member who presided over the Committee and to the Honourable the Army Secretary who tried to accommodate Opposition members. That Committee, Sir, worked like a happy family. I would like to ask the Army Secretary whether he has not come out stronger from that Committee. He has got a majority of military members all over the cantonments with the sanction and moral benediction of the Indian National Congress, and if that Committee had not been appointed, the Bill would have been defeated in the Assembly. But when you come out with the support of the Congress it is smooth sailing. Similarly, if you associate the Members of this House with the administration of the Army, they would realize your difficulties, they would come to know how great and important your task is and there would be no more destructive criticism of which you so much complain.

Then, Sir, it is said that such an Advisory Committee is not to be found in any other country. I would put it to the Army Secretary: "Do you find these conditions in any other country? Do you find in Canada the Canadization of the Army? Do you find in Africa the Africanization of the Army?" It is only in India, I must say to our shame, that there is such a process as Indianization of the Indian Army. Then, when you have to meet that situation, you have to associate us with you. You have given definite pledges, you have declared to the world that the defence of the country is the concern of the Indian people. How on earth are you going to do that? I put a straight question and I want a straight answer. Last year His Excellency the Commander-in-Chief said that if they ever go to war they want to take India with them. How do you propose to carry us with you? Do you want that we should follow you as camp followers? We are prepared to go with you as honourable comrades in arms; but we shall not follow you as mere camp followers. If His Excellency the Commander-in-Chief means that we should follow them as mere camp followers, we refuse to do that. But if you want our co-operation on equal terms, here is this proposal which has been supported by all parties in India: and it certainly does not lie in your mouth now to say that this is a proposal which cannot be accepted. With these words I move the Resolution.

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

That this Assembly recommends to the Governor General in Council to appoint a joint Standing Army Committee, consisting of Members from both the Houses, to advise the Government on all matters connected with the defence of India.

Mr. Lalchand Navalrai: Sir, I rise with a hope and not with the despair that my learned Colleague spoke with. As a brave soldier and a Sikh, I thought he would not be so pessimistic or think that Government will not help us in a matter like this. We are asking for nothing but a legitimate and reasonable demand in this Resolution, and I do not think there will be any justification for Government to refuse it. We are asking for a Standing Committee for the Army Department to be set up: the point of the Resolution that I would lay emphasis on is that the Standing Committee proposed should be consulted on all matters connected with the defence of India. We do not want a half-hearted attempt to be made in this matter: we want to associate ourselves with these army questions in the same manner as the standing committees in other Departments of the Government of India which are consulted and which have some power

Mr. M. M. Joshi (Nominated Non-Official): If it is in the same manner when they are consulted very little.

Mr. Lalchand Navalrai: Even that little consultation is being refused in this Department. I do not say that this is our full demand, but I ask, why are we ignored in this Department while there is consultation in other Departments? These Standing Committees are to make our views known to the Government. That means mutual understanding. Is the Honourable the Army Secretary going to refuse us a thing which is beneficial to both sides? I, therefore, submit, that just as we have standing committees in other Departments—in the Finance Department, in the Railway Department where there is also an advisory committee, in the Department of Industries and Labour and lately in the Education Department also—we should have one in this Army Department. Why should this Department remain untouchable? We want that this Department also should associate us in finding out what are our grievances and how we are affected.

A very kind Honourable Member of this House told me that I am responsible for setting the ball rolling in this matter. Another Member reminded me of the occasion when I put a question and got an answer from the Army Secretary in regard to this matter. That is my justification for speaking now on this Resolution. I do not want to be understood as saying that Sindhis are not persons who can join the army and it is only Punjabis or such like alone who can help the Government or the people in this respect. On the 3rd September last in Simla when an Adjournment Motion was moved regarding the despatch of troops from British India to Abyssinia and the question arose as to why it was done without consulting this House, I said:

"Sir, I would just like to ask a question from the Honourable Army Secretary. He said that, as the Assembly was not in sitting in the month of August, the Legislature could not be consulted before the troops were sent to Abyssinia. May I know from him whether he will agree to the appointment of a Standing Committee to be associated with the Army Department just as other departments have, so that, in cases of such urgency, that Standing Committee could be summoned and consulted? Because, whenever things are done without consulting this House, shirk is always taken under the plea that the Legislature was not in Session and so they could not consult the House. I would like to know from the Honourable Member whether he would like to appoint a Standing Committee to advise his Department and to consult on such matters as these when the Legislature is not in Session."

[Mr. Lalchand Navalrai.]

The reply then came from the Honourable the Army Secretary:

"Sir, I obviously cannot answer on behalf of the Government a question such as that put to me on the spur of the moment, but it seems to me that there is a good deal in it. We will certainly take the matter into consideration and see whether anything can be done in that direction."

Then, there was applause from all sides of the House. I am waiting now to see after he replies to this debate whether there is general applause for him in this House or not.

Now, two things have to be explained with reference to my aforesaid question. I wanted a Standing Committee just as in other Departments. My object was not merely that the Standing Committee should be consulted in matters like the sending of troops outside India. I want that it should be consulted in all important matters. I shall, therefore, be happy to hear if the Government have given consideration to this matter and if they will agree to this proposal. Sir, I do not think I need labour this point any further, because there do arise occasions when people do feel discontented if they are not consulted on certain matters, and, therefore, I feel that in an important matter as the army, over which the public have been crying hoarse since a long time, the representatives of the public should be consulted or at any rate they should have some hand in the beginning, or if Government are so shy of consulting them, we desire that a Standing Committee should be set up. I admit that public demands are not given a way even in Standing Committees merely by our asking for them. If the Government does not agree with the members of the Standing Committees, then the matter actually comes before the House. Any way, my point is, why should the Government shirk any responsibility of establishing a Standing Committee for the Army. I do hope that the Honourable the Army Secretary will give us satisfaction and earn the applause of this House as he did on the last occasion.

Mr. M. Asaf Ali (Delhi: General): Sir, I rise to support the Resolution which has been so ably moved by my Honourable friend, Sardar Mangal Singh, which, in itself, is one of the most modest that could ever be tabled under the circumstances. Personally, I feel, Sir, that we ought to have gone very much further than this. I would like to see the entire army, the entire defence of the country, to be controlled by an Indian Minister. This is what we aim at, but how the situation will shape itself out under the new Constitution, I am not quite certain, although provision, I understand, is made for an Army Minister who may be either an elected or an official Member. But still, in so far as the present Constitution is concerned, there is something to be said today. If I am not mistaken, Sir, at the Round Table Conference it was made perfectly clear that there should be some sort of a Committee which should be associated with the defence of the country. The Joint Parliamentary Committee also accepted that principle, which has already been referred to by Sardar Mangal Singh, and the object was perfectly clear. At some time or other, we have to take over the responsibility of our own defence,—it may be tomorrow or it may be a little later. But where are you going to get those people who will take over this responsibility unless you associate us with questions which relate to the defence of the country? If we are not associated with those problems today, the Government may once again turn

round and say: "But where are the people to whom we can hand over the responsibility of managing the defence of the country?" So, we want that a beginning should be made now; we are anxious that Government should make a beginning now, and where is the difficulty, Sir? I see absolutely none. After all, the Resolution says that a Joint Army Committee may be appointed which may consist of Members of both the Houses to advise the Government on all matters connected with the defence of India.

Now, what are the questions which are connected with the defence of India? Primarily, we shall have to consider the question of the army, the strength of the army, what forces are to be maintained, where they are to be posted, how they are to be maintained, in what way they are to be equipped, and whether we can also ask for a contribution of some sort from the Indian States. They also maintain a certain army even today, and we do not know in what way those forces are co-ordinated with the forces which are maintained by us. Many other questions will arise, but now I want to come down to the very modest questions, extremely modest questions. There are certain questions connected with the army today in regard to which, I suppose, even a man of average intelligence may claim to know something. Take, for instance, the four branches of the Army Headquarters. They have got the General Staff Branch, the Adjutant General's Branch, the Quarter Master General's Branch, and the Master General of Ordnance Branch. Now, so far as the Quarter Master General's Branch is concerned, I am absolutely certain, Sir, that even the Defence Secretary will not maintain that this Branch deals with matters which can by any stretch of imagination be called matters which require expert knowledge. I see the Army Secretary heaves a sigh,—I do not know whether of relief or of surprise,—perhaps it is. . . .

Mr. G. R. F. Tottenham (Secretary, Defence Department): I think the Quarter Master General's Branch deals with more technical matters than any other Branch of Army Headquarters.

Mr. M. Asaf Ali: I am very glad to hear it, but I shall just read out a line or two from the memorandum supplied by the Army Headquarters to us during the last Budget period, and these are the matters that the Quarter Master General's Branch deals with:

"The Quarter Master General's Branch is concerned with the maintenance and issue of supplies, i.e., foodstuffs, forage, fuel"

I suppose that is a very technical matter, a matter which only experts can deal with. (Laughter.) I think, Sir, any shopkeeper in Chandhi Chowk will be able to deal with such matters much more satisfactorily than the officers in the Army Headquarters are doing. . . .

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): That is why Britishers are wanted.

Mr. M. Asaf Ali: No. 2.

"Mechanical transport vehicles and connected stores and animals and reserves of these articles."

[Mr. M. Asaf Ali.]

These are the questions which are dealt with by the Quarter Master General's Branch. Is it suggested now, I ask, that we, who are elected by thousands of people to look after the interests of millions and who vote away crores and crores of rupees, cannot deal with these matters? Can we not be associated with the Defence of India even in matters like these? If we cannot, then I think we ought not to be here at all, or those who resist that demand ought not to be there.

Mr. M. S. Aney (Berar Representative): Who cannot be here?

Mr. M. Asaf Ali: I say those who resist our demand ought not to be here at all, but we ought to be in their places.

Then, again, I think, the Master General of Ordnance Branch is another matter with which we ought to be closely associated for the very reasons which I have already stated. Among the matters with which the Master General of Ordnance Branch deals are the following:—Contracts. Now, I am quite certain that the Defence Secretary will not be in a position to resist our demand, because, contracts are the very matters in which we possess perhaps a little more business instinct than those who are actually dealing with them today. We know how they are dealt with by the Army people; we know contracts worth crores and crores of rupees are practically thrown away. There is no regular system, and, if there is one, it is of the most objectionable kind. We know how crores of Indian tax-payer's money are thrown away on these contracts. After all, out of 55 crores,—I am not going to raise any contentious issues today, I shall accept that figure today,—the major portion is spent on these contracts and supplies, perhaps it may be a question of beef or *dhossa*, or bread or something of that sort. The bulk of that money is spent on things like these. Is it suggested that we ought not to have a voice in these matters? What is submitted to us? Only a huge big amount which we are not called upon to vote here. We are simply asked to look into these figures, these mountains of figures, and try to go around them, or put a tunnel through them, or do something or other, but we cannot do anything, we are absolutely helpless. I was only saying that these are some of the matters which relate to defence. At least these are matters which Government ought to allow elected Members of the Legislature to be associated with. After all, look at the Standing Finance Committee or some of those other Committees which are in a position to look into far more difficult and far more technical problems. I am sure, if the Honourable the Finance Member were here, he could have said: "What do these people know about finance? I, the expert, know all about finance." I am certain that the Defence Secretary cannot come forward and say that the matters to which I have drawn attention today are matters which can only be dealt with by experts and by nobody else. I am not suggesting for a single second that we should advise Generals about strategy or tactics which they should adopt on certain occasions. Those are matters which are entirely and exclusively within the province of experts. We are not such unreasonable persons that we would come and tell the Commander-in-Chief: "No, you must weaken your defence in such and such places and you must strengthen your defences in other places. You must distribute the troops in the manner in which we want you to do." That would be unreasonable. But there are other matters

connected with the defence of the country with which we ought to be associated, and it is only in regard to those that a Standing Committee can be of any use.

So far as I can understand, the Honourable the Mover of the Resolution really did not want to travel very much farther than that. Of course, he has made a reference to other questions, questions of policy, like the question of Indianisation of the army, and many other matters which require closer attention than can ever be bestowed upon them during the speeches that are delivered at the budget time. There are many other matters which require the attention of this House. But, above all, there is one little point on which I lay all the emphasis that I can. The Government must create a body of opinion in the Legislature which may be familiar with questions relating to the defence of the country, and that can be done only if people are associated with problems of defence today. Otherwise, it is perfectly hopeless. I remember what happened last winter Session, when I happened to speak during the budget season on questions concerning the army. I confess I was as much an ignoramus about those matters as anybody else would be in the circumstances in which we are brought up. And I saw the very next day a most caustic criticism in one of the English papers where they ridiculed the idea of a civilian talking about military matters. It was said, "what knowledge can these people possibly possess about army matters?" I today stand here in this House and confess my ignorance about army matters. I want to be enlightened. I want to have some knowledge of these matters. How can I possibly have more knowledge about these matters? How can I possibly have more light on the various subjects which are kept a closely guarded secret by the military? They treat all these matters as if they were of the nature of masonic secrecy.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has nearly exceeded his time.

Mr. M. Asaf Ali: I am bringing my speech to a close. I could have said a great deal on this subject, but as I have exhausted my time, I content myself with lending my whole-hearted support to the Resolution which was so ably moved by my Honourable friend, Sardar Mangal Singh.

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. President (The Honourable Sir Abdur Rahim) in the Chair.

Mr. G. R. F. Tottenham: I regret that I must oppose this Resolution on behalf of the Government. I freely acknowledge that the Mover and those who have followed him have put their case very moderately and very persuasively. Also, I do not deny that Government would welcome a closer liaison between themselves and the Legislature on defence matters and they would be the first to benefit from a greater knowledge of defence problems and difficulties than is possessed at present by Members of the Legislature. But, I hope, Sir, when I have made the few remarks that

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[Mr. G. R. F. Tottenham.]

I have to make, that the Mover of the Resolution will at least recognise, though I am quite sure that there will be nothing in the nature of general applause, that Government's opposition is not based on a desire to oppose for the sake of opposition, or to go back on any undertakings they have given in the past, but is based on a genuine conviction, after a very careful consideration of the subject, that it would be a mistake for them to accept this Resolution.

First of all, I should like to clear away certain misconceptions regarding the origin of this Resolution, for it has been assumed that it comes before this House with a large measure of support, in principle, from Government. That, Sir, is not the case. What happened—and I must go over past history for a short time—was this. In the Simla Session there was a debate in this House on the despatch of troops to Abyssinia and in dealing with that Adjournment Motion I stated that, although Government had given an undertaking that they would consult the Legislature, so far as it was possible to do so, when any question arose of sending troops overseas for purposes other than the defence of India, yet, even assuming that the small reinforcement of the Legation Guard in Addis Ababa was not being sent for Indian purposes or for the defence of Indians, it had been as a matter of fact impossible to consult the Legislature on that occasion if for no other reason than because the Legislature was not in Session when the question arose, and the decision had to be taken very urgently. It was then that Mr. Lalchand Navalrai, as he explained this morning, intervened with a question and asked whether it would not be possible for Government to set up some form of standing committee which could be consulted on matters of this kind, matters of urgency arising when the Legislature was not in Session. I could give no direct answer to that question at the time except to promise that the suggestion would receive very careful consideration. A few days later the same subject was raised in another place and the same suggestion was made; and, on that occasion, Sir Philip Chetwode stated that, although there were certain practical difficulties, he had no doubt that Government would sympathetically consider the suggestion if an absolutely agreed proposal was placed before them supported by all Parties in both Houses. Now, Sir, Mr. Lalchand Navalrai says that the Resolution now before the House is an agreed proposal on this subject. Incidentally, it does not contain any precise agreement either as to the numbers of the proposed committee or the composition of the committee and it contains the very vaguest terms of reference. Passing over that for the time being, however, the point is that the Resolution before the House today goes very far beyond anything that Government contemplated, or I venture to say that any Honourable Member contemplated, in the course of those debates in Simla. It recommends the constitution of a committee, not for consultation on a particular limited question when the Legislature is not in Session, which is what the Government undertook to consider, but the setting up of a committee to give advice on all defence matters without restriction of any kind. Now, Sir, the Government have never given any undertaking even to consider a proposal of that kind, and, therefore, they certainly cannot be charged with any breach of faith on the subject. What they did promise to do was to consider the more limited proposal and that promise has been very carefully kept. The suggestion has received the most careful and full consideration, and I feel that I owe it to

the House to explain the reason why we cannot accept that particular suggestion. The reasons are almost entirely of a practical nature. The main point is that the decision to send troops overseas generally has to be taken at very short notice and is a matter of great urgency. Further, the situation may impose the absolute necessity for extreme secrecy until the move of the troops has actually taken place. Now, before deciding to send troops overseas Government have to consider two questions. They have to consider whether the situation in India permits the despatch of troops and secondly, if they conclude that the situation in India does permit of the despatch of troops, whether the despatch of troops is in itself justifiable. Now, Sir, the first question is a question which the Government are perfectly capable of deciding for themselves and they require no advice. It is on the second question that Honourable Members consider that Indian opinion ought to be consulted. There are certain circumstances in which the Government would be well aware that a proposal to send troops overseas would be opposed by Indian opinion. There are other circumstances in which the Government would be equally well aware that a proposal to send troops overseas would not be objected to by Indian opinion. A committee of the kind suggested by Mr. Lalchand Navalrai could do no more than confirm the correctness of Government's views on these points. It could not itself take any decision in the matter. However, it was constituted, it would be very doubtful whether its views would be accepted as representing all shades of Indian opinion; and wherever the members of the committee lived, it would be a matter of several days before they could be summoned and collected and give their advice, if an emergency arose when the Legislature was not in Session. I think then that the main point is this. It would have been very easy for Government to accept a committee of this kind and possibly to have gained a certain amount of cheap popularity by doing so. Having done so, occasions might arise in which they would find it impossible to consult the committee in time, or because such consultation would have to be ruled out on the ground of secrecy. Government would then have been charged with setting up a mere "eye-wash" committee and such a charge would have gone very near the truth. We, therefore, came to the conclusion that it was better to be perfectly honest in the matter and to say straightaway that the practical difficulties of having such a committee were too great and that we did not propose to accept even such a limited proposal. All I can say is that the Government of India will continue to consider Indian opinion and will take such steps as may be most suitable and practical to ascertain that opinion when any such question arises of sending Indian troops overseas.

That, Sir, brings me to the wider issue raised by this Resolution, the question of setting up a committee of the Legislature to give advice on defence matters generally. Now I need hardly say that no Government in the world takes its Legislature into confidence over its war plans; and in the world takes its Legislature into confidence over its war plans; and war plans, after all, are the main work of the Defence Department. All their activities are directed to the preparation for war; and even matters such as Mr. Asaf Ali mentioned, such as supply organization or contracts, cannot be dealt with entirely on a peace-time basis, but must always be considered with an eye on the possibility of war and what you have got to do when war is declared. These are matters that clearly fall within the responsibility of the executive and I do not think any Honourable Member can contend that Government should appoint a committee of the Legislature to be taken into consultation on secret matters of that

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kind. It may be said, however, and it has been said, that there are plenty of other matters connected with the administration of defence in which it would be useful for the executive authorities to have the advice of Members of the Legislature, and we have been reminded that various conferences and committees in the past have definitely recommended some such committee to be set up under the new Constitution. That, Sir, is perfectly true; but all these proposals or recommendations were made definitely with reference to the new Constitution; and, so far as the new Constitution is concerned, the last word rests with the Joint Select Committee. Now, Sir, the Report of the Joint Select Committee contains a principle of great importance on this subject and a principle that I think has been overlooked hitherto by Honourable Members. In dealing with this subject they made it very clear that the principle under the new Constitution should be that it is the Ministers who ought to be consulted on matters of this kind, as representing the party in power, and not individual Members of the Legislature who might actually be in opposition to the Ministers. Under the present Constitution, it is no doubt true that many Departments have committees associated with their work, and indeed it is possibly open to some question whether the extent to which Members of the Legislature are brought into consultation in matters which fall within the sphere of responsibility of the executive does not already constitute something of an anomaly. However that may be, it is perfectly clear that a procedure of this kind *would* constitute a very grave anomaly under the new Constitution; and I imagine that the Ministers of the future themselves would be the very first people to object to consulting a committee of the Legislature which might contain members of the opposite party to their own. So far as their own particular Departments are concerned, the Ministers will no doubt be able to arrange matters as they wish, but so far as defence is concerned, which will be reserved to the Governor General, it certainly would be wrong for the Governor General to take advice from a committee representing all parties of the Legislature; and if the Governor General of the future wishes to take advice and ascertain Indian opinion on defence matters, I suggest it will be his clear duty to take that advice from the Ministers and not from a committee of the kind suggested by this Resolution. Now, Sir, we are very averse to taking any step at the present juncture which will prejudice that position. When any particular questions arise connected with defence in which Indian opinion is keenly interested, such as Indianization or war pensions or cantonment administration and other matters of that sort, we shall continue, as we have done in the past, to appoint committees of the House to help us in deliberating upon them: but that is no reason why we should accept a Standing Committee of the kind now under consideration. I therefore, regret, Sir, that I must conclude my speech, as I began, by saying that I regret that Government are unable to accept this Resolution or any form of amendment to it.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Sir,

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member did not rise in his seat before. Neither did any other Honourable Member rise to speak before.

Mr. N. M. Joshi: The reply of Mr. Tottenham does not conclude the debate, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The Chair thinks only Sardar Mangal Singh has now to reply.

Mr. N. M. Joshi: Sir, on a mere question of procedure, unless the Government Member makes a speech, it is difficult for Members of the House to criticise the Government's policy?

Mr. President (The Honourable Sir Abdur Rahim): No Honourable Member rose in his seat before the Chair called upon Mr. Tottenham.

Sir Cowasji Jehangir: Mr. President, this point of order was raised in the last Session, and I was allowed to speak after the Honourable the Home Member had addressed the House. I regret I did not know, when I rose to speak just now, that Mr. Tottenham was supposed to be replying to the debate. At any rate, I would crave your indulgence on this occasion to be allowed to say a few words in reply to some of the arguments brought forward by Mr. Tottenham. Perhaps the precedent set in this Honourable House by the Government Benches is that of replying at the very end and not placing their cards on the table earlier, as has been done on more than one occasion already. Sir, in other Legislatures where I have been.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should confine himself to the point of order only.

Sir Cowasji Jehangir: Sir, you are perfectly in order to rule me out. It is entirely your discretion. I am only putting forward the advisability of allowing me to speak.

Mr. President (The Honourable Sir Abdur Rahim): The point is that no other Honourable Member rose to speak.

Mr. N. M. Joshi: I should like to say this that unless the Government Member speaks early, we do not stand in order to compel the Government Member to speak, because unless he speaks, how can we criticize his points? It is true that Government are in a difficult position in having only one representative to speak, but it is no fault of the House that they have got only one speaker to speak. I, therefore, Sir, hope that you will permit Members to continue the discussion.

Mr. President (The Honourable Sir Abdur Rahim): As it happens, the Honourable the Army Member was the only Member who, the Chair found, wanted to speak on this point on behalf of the Government, and as no other Honourable Member rose to speak when the debate began after the adjournment, the Chair must ask whether Sardar Mangal Singh wants to speak in reply.

Mr. G. R. F. Tottenham: Sir, in this matter, I ought to explain, I intentionally rose early in the debate in order to represent the Government point of view to the House, so that Honourable Members might have something on which to base their speeches. That was in accordance with the ruling that you gave last Session.

Mr. President (The Honourable Sir Abdur Rahim): Then, the Chair wants to know if the Honourable Member wants to speak again.

Mr. G. R. F. Tottenham: I am well aware, Sir, that the Government Member on these occasions has no right of reply. I do not know at present whether I should wish to make any further remarks or not. In any case, I thought it was better to put the point of view of Government at this stage of the debate.

Sir Cowasji Jehangir: Let me first admit that although I have some recollection of the debate that took place in this House on the last occasion in which, I believe, I took part, I have not refreshed my memory today on all the details of that debate. Sir, the Honourable the Army Secretary has rightly pointed out what actually occurred at the Round Table Conference and what was confirmed by the Joint Select Committee with regard to this House vis-à-vis the Army Department in the future. It was pointed out to His Majesty's Government in England that since they desire to have the Army as a reserved subject, with a Minister appointed by the Viceroy to represent that department in this House, it would be very difficult for this House to have any knowledge of the biggest spending department in the Government of India and to be able to criticize with any intelligence any proposals that may be brought forward. Under the proposals as originally placed before the Round Table Conference, even the Finance Minister would not have an opportunity of knowing the exact proposals of the Army with regard to finance and other proposals as may be connected with the other departments of Government. It was then conceded that some sort of machinery ought to be brought into existence whereby the Ministers at least ought to be in touch with Army administration from day to day and specially the Finance Minister. Now the Honourable the Finance Member will realise how difficult it will be for his successor to carry out efficiently and conscientiously his job as a Finance Minister of the Government of India if he was absolutely detached from the army administration of the country. That point was conceded by His Majesty's Government and it was agreed that when the Federation came into existence machinery would be brought into existence whereby papers with regard to the Army would be placed before the Finance Member merely for his information to enable him to make suggestions to the Viceroy, who would be finally responsible for the Army, from day to day. I agree that that is the correct interpretation of what happened in England. Therefore, it follows naturally that what the Honourable Member said with regard to the House is also correct. It is the duty of the Ministers who are responsible to this House to take into their confidence all their followers as it may be necessary for the purposes of getting their support. But we are still a good many years away from Federation. We are talking of the Constitution as it exists today and I believe this Resolution was drafted to meet present conditions (Hear, hear) and not future conditions. We fully realise that future conditions will be very different and there can be no analogy between the present and the future conditions. My Honourable friend devoted a good part of his speech to future conditions while we desire to devote our attention to the present conditions. What we have had in mind all along is not interference with the Army Department. I think and I trust that they get sufficient interference from the Honourable the Finance Member. I trust that he will be our watchdog and a very worthy one too with regard to expenditure or extravagance on the part of the Army Department. We do not desire to take his place to be a

watchdog. What we desire is to have some education with regard to the army to enable us to fulfill our duties more effectively in the future than we would otherwise be able to do. The Honourable Member must realise that at least some of our future Ministers sit to my right and suppose one of them is made a Finance Member, how many years will it take him to be able to grasp even the elementary principles—they are so well known to my Honourable friend and to many others on the Treasury Benches—before he is able to do his work effectively.

The Honourable Sir Nripendra Sircar (Law Member): Six weeks. He is so clever.

Sir Cowasji Jehangir: It may be so for my brilliant and Honourable friend, the Law Member. I know he is accustomed to pick up facts within a few minutes and place them before the Judges of the High Court, but it is a very different thing from being a Finance Member and being able to persuade the Viceroy and the Commander-in-Chief with regard to administrative measures. I do contend that what we suffer from most with regard to the Army Department, if not with regard to most departments, is ignorance, ignorance for which we are not responsible, ignorance for which we ourselves have been made very often the laughing stock of the Honourable Benches that I see in front of me. But that is not our fault. We desire knowledge to be able to criticize effectively, reasonably and honestly and if it is the desire of this side of the Honourable House to be able to be in that position can you complain? How often has the Honourable Member himself said that the criticisms were not justified. Whose fault is it that those criticisms were not justified? We criticise with the facts that are placed at our disposal and with the knowledge that we possess. If the facts placed before us are not sufficient for us to judge correctly and our knowledge is wanting, then you must expect unintelligent, unfair and inequitable criticism. We want to avoid that. Sir, therefore, the object lying behind this Resolution so far as I can make out is one of education. We want education, we do not want to pry into confidential matters of the Army. Who wants to do that? Which Government would allow that to be done? We have no desire, at least I have none to want to know exactly what type of aeroplanes you intend to order out, or what type of tanks you are going to get. All I want to know is what they cost. You do the technical part, let me only know what it is going to cost, because I have got to pay for it and to enable me to do that I want a committee just in the interregnum—I am not talking of the Federation. I want a committee to be able to look into that aspect of the case and to be able to advise me whether the proposals brought forward by Government in the Budget are reasonable, equitable ones, those that we should vote for immediately and those we should reject. Now what is there unfair or what is there unreasonable in this demand? It cannot be done in the House. All the information that my Honourable friend gives will not be sufficient, and I readily admit that he tries his very best to give all the information that he can in very difficult conditions, speaking as he does in a house of Legislature. That is not what we require; we require more, and above everything else we require education in order that we may effectively be able to do our duty when the responsibility is thrust upon us by the Constitution in the future. That is what we want; and if that is denied to us in so many words, then I would respectfully point out to the Treasury Benches that if that is a fact,—

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I do not believe that is the fact and I know that that is a wrong interpretation that we can place upon his speech,—but if that is a fact I must respectfully point out that we shall have grave doubts about the *bona fides* of Government with regard to the future Constitution.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable 3 P.M. Member has only two minutes more.

Sir Cowasji Jehangir: Now, Sir, my Honourable friend touched upon the troops overseas. That, again, was discussed at the Round Table Conference and confirmed by the Joint Select Committee. There was a distinction drawn between troops sent overseas for the defence of India and for imperial purposes. It was admitted that if troops were sent for the defence of India it could be done without the permission of this House. But if troops were sent overseas for imperial purposes,—Indian troops maintained by India,—the permission of this House was to be taken. That was the principle laid down and accepted. Now, Sir, if I mistake not, it was the late Viceroy, Lord Irwin, who spoke on this question, it may have been in Committee or it may have been in the Conference itself,—most probably in the Committee, I am speaking from memory,—and he said that there was some justification for the House wanting to be consulted when troops were sent overseas for imperial purposes and not for the defence of India. Troops can be sent outside for two purposes. For the defence of India the Army is maintained. You can do whatever you like with that army for the defence of India. But if you use those troops, which have often been used for other purposes than the defence of India, regardless of who pays the cost during that time, the consent of the Legislature should be taken. And if there is no time to take the consent of the Legislature, some machine must be brought into existence whereby public opinion shall be authoritatively communicated to Government, Government being the Viceroy and the Secretary of State. They will be the two executive authorities, the ultimate power will be with Parliament. Therefore, the two executive authorities, the Viceroy and the Secretary of State, should be in a position to know public opinion with regard to the sending of troops overseas for imperial purposes and not for the defence of India. That we maintain is the principle that was accepted and the principle which we will demand should be put into practice. Sir, as I have no further time, I will now conclude my speech.

Dr. G. V. Deshmukh: Sir, I should have thought that an innocuous and harmless Resolution like this might have been accepted by Government, not only with ready alacrity, but with great pleasure. To me, Sir, it is surprising that a Resolution like this should have been opposed; and what is the reason for it? The reason is this. It may be all very well to discuss this question from a smooth academic or constitutional or even some economic point of view. But, Sir, we are burking the main issue. The main issue and the vital issue is the defence of India; and what I want to know is this: whose concern is this defence of India? Is the defence a concern of the children of the soil or is it the concern of the exploiters, of strangers, of carpet-baggers who come to this country and say that they will defend our country? Would this kind of thing be tolerated in any other place? People from outside come over here, and then say they will defend according to their ideas and deny us the right to defend our own hearth and

home. A thing like this is absolutely impossible. It is no good quoting us the dominions; it is no good telling us that in the dominions the Ministers are consulted, because, if we had dominion status, there would have been no necessity for a Resolution like this to come up before this House.

Sir, I am told that Government did not actually promise anything when the Abyssinian question was being moved, and, therefore, there is nothing wrong. I am not surprised and I am not disappointed at the answer which we have received. How many promises have been broken to us, and, therefore, one more, even if it were a promise, would not disappoint us. We have been accustomed to this. Times out of number promises have been given to us that we will be associated with this and that, that we will get equal rights, and all kinds of things. And the promises that were made to the ear have constantly been broken. And, therefore, to some of us and to our friends it does not come as a disappointment at all. But I am surprised that the Government of India will shut their eyes to the experience of 1914. What does the Resolution say? It says, "on all matters connected with the defence of India". Now, it was perfectly easy for Government to say that they will appoint a committee, but absolutely technical matters will be excluded from its purview. I do not suppose that Members here would have objected at this stage to appoint a committee like this; but to make that as an excuse and say that, therefore, an advisory committee cannot be or should not be appointed means only this that, not only now, but never will Indians be associated with the defence of the country. And, Sir, this defence of the country is a very vital problem from many points of view. The Joint Parliamentary Committee report has been repeatedly quoted here; and, in that report, you will find that the main excuse for not giving dominion status to this country was that we are not able to defend or that we do not defend our own country. Therefore, what do you do? You break your promise; you promise bread and you give us stones. On the other hand, you make us walk round and round a vicious circle. We cannot get dominion status because we cannot defend our country; if we wish to associate ourselves with the defence of our country, you say that cannot be done. Therefore, we have to walk round and round, getting nothing except disappointment. I know it is very easy to deal with gallant army men, because they are honourable and they are sporting, but I know that when it comes to the other side, very often the Army Member has to put forward views which do not belong to the army, but I daresay belong to the civil side. Why do you shut your eyes to world conditions? In future, what are you going to do with your limited armies? Look at the present Abyssinian war where the number of men employed are in lakhs and lakhs. Are the Government of India at the last minute, as was done at the time of the last war,—coming up to the country to say, "Give us men and warriors"? You cannot expect warriors to spring out Minerva-like out of Jove's head in this country. No, not so after 150 years of emasculation under the Arms Act. Thank Heavens, some little vigour or some little masculinity was left and, therefore, India could supply some 500,000 men. But will you not benefit by this experience? Why cannot you see ahead? The future battles are not going to be merely the concern of a little executive or small body of experts sitting together. They are going to be mass fights and enormous numbers of men are going to be engaged in them. At the last minute, are your uniformed officers to go round and say, "Give us men immediately"? In collecting these men, would it not be

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useful if you had representatives of the public to support you? And, from that point of view, would it not be useful to have an advisory committee?

Sir, your own great Prime Minister, Lloyd George, repeatedly said that the future wars are not to be fought with iron bullets, but with silver bullets. Now, Sir, if the money is to be sanctioned, what is going to happen? Would you be put to any loss by associating representatives of the public who will contribute money to you freely? Nothing will be lost in this. Not only that, but on the other hand, Government, it seems to me, will be benefited to a great extent. There is another point of view that I would like to bring to your notice. This Resolution, to my mind, has come most opportune at the present time, most opportune for this reason—that it is all very well for these foreigners to tell us that they will defend us, but what I want to ask is this. When we hear reports or speeches of European dictators against our races—that “the white race is going to be the supreme race”—“let us show it to the black races that the brown races must always be servile to the Europeans”. We are after all under the British Government. I do not see a single British statesman in India or a Government official in this country standing up and saying to these swashbucklers and fire-eaters like Hitlers and Mussolinis that “this is not right, do not use this vulgar language about the brown races”. (Applause.) If you cannot defend us against these verbal charges, I will be really surprised, I will be amazed if they come forward to defend us when our vital issues are concerned, and, therefore, Sir, it is up to us, and I feel that it is our duty, that we must urge this on our own Government. We have repeatedly seen by experience that either you are unwilling or incapable of defending us in any way. After all, the defence of the country naturally belongs to us, it is our birthright, and whether the Government of India say “yes” or “no” to it, we are bound to fight for it, for we ought to be associated with the defence of this country. Sir, this is not only the view of elected Members, I see many also amongst the nominated Members, who resent, who must have resented and who will resent this kind of aspersions and charges against the black and brown races. What I say is this: the time has now come, and now is the best time, when we must stand up on our own legs and urge on this Government that if not suddenly, at least gradually, they must associate us with this vital concern of ours, namely, the defence of our own country and motherland.

Sir Leslie Hudson (Bombay: European): Mr. President, in speaking on the Resolution before the House, I think several of the Members to my right have lost a good opportunity of initiating a really constructive debate. The wording of the Resolution itself, to my mind, is—shall I say—vague and diffuse, and not sufficiently thought out. My Honourable friend, Sir Cowasji, said, I think, that it was natural that all matters could not be referred to such a committee as has been asked for by the Resolution. My friend, Dr. Deshmukh, wants that all matters relating to the defence of India should be referred to that committee. If the other Parties in the House had been consulted before the Resolution had been put up, I think there would have been far more likelihood of a constructive Resolution being put before the House than has occurred. It is not possible for this Group to support the Resolution as it stands.

Mr. M. S. Aney: It is open to your Party to move an amendment.

Sir Leslie Hudson: The Honourable the Army Secretary said he would not accept any amendment.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Why not move an amendment? The House may support it.

Sir Leslie Hudson: The present constitutional position in regard to defence makes it undesirable, I think, and as the Honourable the Army Secretary has informed us, impracticable to establish a committee which will be able to advise the Government on all matters connected with the defence of India. “Defence” is a reserved subject, and the day-to-day administration of the Army is in the hands of the Commander-in-Chief. The Central Legislature does not vote supplies for the Army; these are secured by the necessary authority of the Governor General, and any committee of the kind sought for by the present Resolution would be inappropriate to the present constitutional position. It is our view that it is preferable that this should be frankly recognised. But this does not mean, however, that we have no sympathy with the general idea that there should be constituted some kind of an advisory committee on defence affairs on which the Central Legislature would have representatives and which would be in a position to discuss matters referred to it by the authorities and would thus serve to keep in touch, to some extent at any rate, with questions of defence and provide that phase of education to which my Honourable friend, Sir Cowasji, has referred to enable members of the Government which will succeed the present one to carry out their duties. It is difficult to think of any precise formula at the moment and it would require not only the most careful examination but a spirit of accommodation on the part of the Legislature. Such a committee could only be consultative and experimental. I do not think, however, that it is beyond the wit of man to devise some machinery of this description which would have the effect which I have outlined and which would go to a large degree, I think, in meeting the wishes of my friends here. The desire to form some liaison between matters of defence and representatives of the Legislature is a natural one and in our view is deserving of consideration by the Government and the Secretary of State. As far as the position under the future Constitution is concerned, it will be different. The Governor General will be the sole authority for defence, for defence will be a reserved subject in the Federal Government. The Commander-in-Chief will cease to be a Member of Council and he will not have any share in the constitutional responsibility for defence policy or expenditure. No official will possess a seat or vote in the Legislature. There will be an elected Minister for Finance who will presumably come to an agreement with the Governor General or with the Cabinet as a whole regarding military expenditure and he will have to defend that agreement in the Federal Legislature. The question, therefore, of any kind of Advisory Committee in connection with the Legislature under the new Constitution will naturally be a matter for the new Federal Minister. In the meantime, however, it would not seem to be unreasonable if, on the lines which I have indicated, within the scope of the present constitutional position, some machinery could be devised within defined limits, without in any way impairing the authority of the Governor General in regard to defence, of giving the representatives of the Legislature the opportunity to be consulted upon and to be informed upon some of the problems involved in India's defence policy.

Dr. N. B. Khare (Nagpur Division: Non-Muhammadan): Mr. President, I would not have cared to speak on this milk and water Resolution; but when I find that the Army Secretary laboured a great deal in detailing to this House the reasons for the Government not accepting it, I thought it would be proper to put forth the real reasons as to why the Government did not accept this Resolution. It is the greatest irony of fate and a tragedy of history that the inheritors of the glorious traditions of Rana Pratap, Akbar, Shivaji and Ranjit Singh should be reduced to the position of supplication before an alien Government for these small mercies. I know that, in a great measure, we are to blame for it ourselves. Still the real fact is that by all canons of civilisation it is the inalienable right of the nationals of a country to defend their hearths and homes. These foreigners have no moral right to intervene and defend our hearths and homes for us and, at the same time, tell us that we are unfit to do it. This position is very humiliating and it is natural that we on this side feel very much for it. We are always dominated by foreign mercenaries and they tom-tom their solicitude for our welfare and are paid for it. The Mover said that he did not want to embarrass the Government. I do not know if we can get anything at all from this Government unless we embarrass them either physically or morally. Physically we cannot embarrass them; but we will try to embarrass them morally and see whether there is any remnant left of moral consciousness in them

Mr. M. S. Aney: What is moral embarrassment?

Dr. N. B. Khare: To describe them correctly on their face, as I am proceeding to do. This non-acceptance of the Resolution by the Government is a very small part of the policy of European nations all over the world wherever they have entered the territories of coloured people. Hitler at least has been outspoken; but other European nations, especially the British, try to give a different colouring to what they really aim at. If you look at the history of European nations, wherever they have gone on the face of the earth to civilise backward and coloured people, there are three things which they always do. The first thing is to demoralise the subject nation. The second thing is to emasculate them, and the third thing is to de-martialise them and keep them away from the use of arms, and then they go on ruling merrily and call it civilisation. What is civilisation in their opinion? To loot the subject nation, and, on that loot, eat, drink and be merry: that is called civilisation. That is the very policy pursued in this unfortunate country by the British people. So, why should they come out and blame Hitler for his out-spoken utterance? Possibly they are laughing in their sleeves for his doing that. I thought the army people were very brave and I was, therefore, rather amused when I saw the Defence Secretary standing up and trying his level best to garble the whole thing in words and impose upon us that we were unfit to have a glimpse of these matters. They are very brave and chivalrous, but to me the Department looks like a purdah lady who is covered from top to toe with a big *burqa* and will not allow even her toe-nails to be seen, let alone her bewitching eyes! So, I think there must be something very ugly that should not come before the public gaze. That is why he showed so much solicitude and energy in shielding this Department from the public. That is why Indians are not going to be even associated with anything which pertains to the Army Department. Otherwise, perhaps the whole ugly thing may come out and it will be very inconvenient for the governing

classes. After all, why should the Government even care to oppose this? They know they have got the power; they know that even if the Assembly passes this Resolution what does it matter to them? They have got a big waste paper basket and they will throw it there: why should they care for it? When I look upon this Assembly I am rather amused. There is a structure in the human anatomy called the appendix and the Assembly appears to me something like an appendage or an appendix of this subordinate branch of the Imperial Government. The appendix has no function proper: it is simply an appendage of the intestines. So also this Assembly has no function to perform, and it suffers from the same disease from which the appendix suffers. (Laughter.) So I do not know why we should at all care very much for what the Government do: we ought really to see what we can do even in this position. That should be our point. All these supplications and resolutions are useless. So, while I support this Resolution, Government should also consider one thing if they have any consideration left for India at all. Times are changing and this policy of Imperial aggrandisement and ruthless repression must stop if really they are sincere about their promises: they should have been very glad and accepted this Resolution; instead of doing that they have wasted a great deal of effort in opposing it. I support the Resolution, and I hope the House will support it.

Some Honourable Members: The question may now be put.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, at a time when the clouds of war are gathering on the horizon of the world, and at a time when the blood-thirsty dictator of Italy is not only ignoring the behests of the League of Nations, but is also challenging the whole Europe and wants to fight the world, I think it would be, if nothing else, very impolitic on the part of the Government of India at this juncture to oppose a Resolution like this. If a war breaks out in India tomorrow, or in any of the adjoining countries like Egypt, which looks very likely, tomorrow Mussolini may attack Egypt, then the Honourable the Defence Secretary and other Honourable Members of the Government of India will come before this House and would appeal to Honourable Members of this House to give men and money to defend the empire. If Indians are asked to give the cream of their nation and their money for the defence of the empire, they must naturally have at least some share in the defence of the country as well. After all, matters relating to the defence of the country are matters with which we Indians are more concerned than the British Government. If India is to be prepared for taking her proper place in what is generally known as the British Commonwealth of Nations, it is quite natural and quite necessary that in this period of transition the people of India must have training in all the Departments of the Government. I quite agree with my friend, the Honourable Sir Leslie Hudson, that the Resolution is not very properly worded. In fact, as the Deputy Leader of my Party, Sir Cowasji Jehangir, has explained, we do not expect that, at present, the British Government will take us into their confidence about all matters which are considered as confidential. Also I think that at present we cannot give advice to them on matters which are purely technical because we are not in a position to offer them any useful advice on those matters, but why not go to the spirit of the Resolution and accept it? All that we want is, as my friend, Sir Leslie Hudson, has said, there must be set up some

[Sir Muhammad Yakub.]

organization of the Central Legislature which may help the Government in matters relating to the defence of the country. There are many matters which are not technical, for instance, the condition of the country, the temperament of the people whom you want to enlist as soldiers and so many other things, and on such matters, I think, the Members of this House will be in a much better position to advise the Government, and their advice will be very useful. Sir, up to this time the Army is a sealed book to Indians. Some years ago a Committee was appointed by this House, called the Army Retrenchment Committee. I had the privilege of being a member of that Committee, and as such I came to know something about the administration of the army in India and the matters which relate to the Army Department. I think, I am in a much better position today to defend the army administration and to reply to the criticism which is generally levelled against the Army Department in India, because, I had first-hand knowledge of the working of the Army Department. In the same way, if a small Committee of the Central Legislature is appointed and some Members are taken into confidence, it would certainly strengthen the hands of the Government, and most of the criticism levelled against them, in regard to army expenditure and other matters connected with the administration of the army in India, will disappear, and the Government will find, among the Members of that Committee, their supporters.

My friend, the Honourable the Defence Secretary, said in his speech that a Committee of the kind suggested did not exist in any part of the world. My reply to him is that the Constitution which we have got in this country is one the like of which does not exist in any part of the world (Cheers), and I have always said that India has got her own problems which are exclusive to India and to no other part of the world, and no Constitution of any country in the world can ever be copied for the administration of this country. We will always require our own Constitution, and we will have something in our Constitution which cannot find a parallel in the Constitutions of other countries. Therefore, it is useless to say that such a thing does not exist in the Constitution of any other country in the world. If we had our own War Minister, and when India is elevated to the status of Dominion Status, then probably we may not require a Committee of the kind we now ask for. Sir, I wholeheartedly support this Resolution,—and I would ask the Government not to raise objections like those which we lawyers raise in law Courts on trifling words,—I would ask them to look to the spirit of the Resolution, and not to the wording of it. While I support this Resolution, Sir, I must say that I do not share the language which has been used by certain Honourable Members on my right. My friends say that they have no power. Well, if a man has no power, it is not right for him to use strong language and provoke the very people who have really got the power in their hands and who are in a position to give them something. While, therefore, I strongly dissociate myself from the language used by certain of my friends on my right, I support the Resolution, and I hope that my friend, the Defence Secretary, will accept it, modified in its spirit, as the Deputy Leader of my Party has explained.

Some Honourable Members: Sir, the question may now be put.

Sardar Mangal Singh: Sir, I will not take much time of the House. I am highly thankful to my friend, Nawab Sahibzada Sayad Muhammad Mehr Shah, for giving me the opportunity to place this Resolution before this House. Most of the points were raised by the Defence Secretary and I need not touch them. Sir, it gives me great pleasure to see that only one Nominated Member of this House spoke against this Resolution.

An Honourable Member: He is not a Nominated Member. He is an Official Member.

Sardar Mangal Singh: Yes, but he is nominated by the Government. Although the Defence Secretary is a representative of the Army, his speech this afternoon was a blank shot. Probably, he does not know his own mind, he does not know what to do.....

Sir Muhammad Yakub: He is not a military man, although he is the Defence Secretary.

Sardar Mangal Singh: He represents the Army in this House. The position which he has taken up in this House regarding despatch of troops overseas is very dangerous. He has stated to us today that Government could send out troops without consulting the Legislature, and this, Sir, I submit, is a very dangerous position. For instance, England may be invaded, and the Indian Government may decide to send up the whole army to England to defend their country, and our country may be exposed to the danger of foreign invasion. Therefore, I say, this decision is very dangerous, and I hope the Honourable the Defence Secretary will persuade his Government to accept this modest request of ours and accept the Resolution and soon appoint a Committee. With these words, I again appeal to the House to pass this Resolution unanimously.

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

"That this Assembly recommends to the Governor General in Council to appoint a joint Standing Army Committee, consisting of Members from both the Houses, to advise the Government on all matters connected with the defence of India."

The motion was adopted.

RESOLUTION RE STATE CONTROL OF THE BENGAL AND NORTH WESTERN RAILWAY AND THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

Mr. President (The Honourable Sir Abdur Rahim): Resolution No. 3. I understand that Dr. Thein Maung has authorised Mr. Azhar Ali to move the Resolution on his behalf. Does the Honourable Member want to move it?

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions; Muhammadan Rural): Yes, Sir, I want to move it. The Resolution reads thus:

"That this Assembly recommends to the Governor General in Council that immediate and necessary steps be taken to take over the control of the Bengal and North Western Railway and the Madras and Southern Mahratta Railway from the present lessees and further not to extend the contracts which expire in the year 1937."

[Mr. Muhammad Azhar Ali.]

Sir, this is not a new Resolution. Several times interpellations have been put in this House relating to this question. Several times Resolutions have been moved, and the last time when a Resolution like this was moved was in the year 1931. I may add, Sir, that the necessity for moving this Resolution today has arisen from the Resolution which was moved by the then Railway Member, Sir George Rainy, himself. That Resolution ran as follows:

"That this Assembly recommends to the Governor General in Council that, in accordance with the recommendations of the Committee appointed by the Assembly on the 1st April, 1931, to consider what action should be taken when the opportunity to purchase the Bengal and North Western and Rohilkund and Kumaon Railway systems occurs on the 31st of December, 1932:

(1) the Government should enter into negotiations with the two Companies to obtain from them an option to purchase the lines on the most favourable terms on the 31st December, 1937, subject to one year's notice, or, if possible, on the 31st December of any earlier year, again subject to one year's notice;

(2) the question whether the working of the Tirhoot Railway . . . (With this point I am not concerned at present);

(3) the question whether the working of the Lucknow-Bareilly State Railway . . . (This point is not in this Resolution today);

(4) in the event of its proving impossible to reach agreement with the Bengal and North Western and Rohilkund and Kumaon Railway Companies on the terms recommended in (1), the Government should explore other lines for reaching agreement which would ensure to the Government the opportunity to purchase on reasonable terms; and the Government should again consult a committee of the Assembly for the purpose of reconsidering the position as regards the management of the Tirhoot and Lucknow-Bareilly Railways."

Sir, so far as the Madras and Southern Mahratta Railway is concerned, I shall not deal with it in my speech, but I am sure that my Honourable friends will do so although I move this Resolution. As regards the Bengal and North Western and Rohilkund and Kumaon Railways are concerned, I know the conditions prevailing in my own part of the country. From the Resolution of Sir George Rainy it will appear that the leases are to expire in December, 1937, and I move this Resolution knowing as I well do that it is the wish of the whole country, and especially of my own part that such a Resolution should be moved. Sir, a Resolution was moved in the United Provinces Legislative Council that these companies should come to an end, and it was carried. I do not know whether the Government have obtained the option to take over these companies or not. I would ask the Honourable the Railway Member to explain to the House what is the position now and what action has been taken on the Resolution which was passed in the year 1931.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways): In pursuance of that, an agreement has been arrived at between the Bengal and North Western Railway and the Secretary of State.

Mr. Muhammad Azhar Ali: If so, I should like to know how the Government are going to act on the recommendations of the Committee which was a committee of this House,—whether they are going to terminate the leases and acquire these two railways. The Tirhoot Railway is, to a certain extent, an appendage of the Bengal and North Western Railway, and the Lucknow-Bareilly Railway an appendage of the Rohilkund and

Kumaon Railway. The leases have been extended from time to time, and now I think the time has come when these companies should be acquired and the State should become the proprietor and manager of these lines. The point that was urged by the Government in 1931 against the purchase was that the financial condition of the country at the time was not such as to permit it. Now, those conditions have much changed; the condition of the money market is easy; there is money lying idle in different places, and the Government can very easily raise the money required to buy up these lines. Government can go in for a loan, and, as His Excellency the Viceroy himself pointed out in his speech in Simla last year, the credit of India stands very high. As such the Government ought to be able to raise the money either by means of a loan or by any other means which it is not my duty to point out here today; it is for the Finance Member to find the means. I strongly submit, Sir, that the consensus of opinion in the country has steadily been that these railways should become the property of the State. We know for a fact that these companies have been making very handsome and fat profits. In those days, I remember, the dividend ranged from 16 to 19. If only the Government could acquire these railways the deficit which they are having in the Railway Budget could be avoided. Why should not the Government earn those profits instead of leaving it to the companies to declare fat dividends? As regards the Tirhoot Railway and the Lucknow-Bareilly Railway, which are a sort of appendage to the Bengal and North-Western Railway and the Rohilkund and Kumaon Railway, I think the time has come when the Government should take up the management of these two lines if they are not at present prepared to take over that big job. I do not think that it can lie in the mouth of the Government at present to say that they have no money. We find that it has not been a deficit budget of the Government of India.....

An Honourable Member: We do not know yet.

Mr. Muhammad Azhar Ali: I am talking about last year. I do not know about this year, but I am speaking about last year's budget, and it was not a deficit budget, and as the credit of the Government stands very high, I see no reason why Government should not take up these lines. If we do so, we can give more employment to our unemployed. I, therefore, urge that the time has come when the Government should take up these two lines. Sir, I move.

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

"That this Assembly recommends to the Governor General in Council that immediate and necessary steps be taken to take over the control of the Bengal and North Western Railway and the Madras and Southern Mahratta Railway from the present lessees and further not to extend the contracts which expire in the year 1937."

Mr. B. B. Varma (Muzaffarpur cum Champaran: Non-Muhammadian): Sir, in rising to support the Resolution just moved by my Honourable friend, Mr. Azhar Ali, for terminating the contract of lease with the Bengal and North-Western Railway, the Rohilkund and Kumaon Railway and the Madras and Southern Mahratta Railway, I wish to emphasize the intensity of the public feeling on this question in my constituency which is

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solely served by the Bengal and North-Western Railway. Indeed, Sir, the public feeling in my constituency is shared by the whole province of Bihar and Orissa and the Legislative Council of that province as also that of the United Provinces have emphatically expressed the public view point. This House, Sir, should give me credit for a great deal of personal knowledge of the ways of management of this Railway Company, because I cannot get in or get out of my home without enjoying the hospitality of this Railway. In the land of proverbial hospitality, it is very irksome to find an institution which takes pride in fleecing its guests and that too mercilessly and without any compunction. I need scarcely recall that the policy of State management of railways has long been accepted by the Government of India following upon the report of the Acworth Committee which was appointed by the Government of India in response to insistent public opinion in 1921. The Committee, it will be remembered, recommended by a majority the policy of State management, and, in February, 1923, and, later on, on the 20th September, 1924, the Legislative Assembly by Resolutions endorsed that policy which has been demanded by public opinion for quite a long time. In pursuance of this decision, the Government took over the management of the East Indian Railway and the Great Indian Peninsula Railway, and, on general admission, the change has been for the better. Now, in regard to no railway system has the demand for State management been more insistent than in respect of the Bengal and North-Western Railway and the Rohilkund and Kumaon Railway whose management, in spite of tardy improvements effected during recent years, continues to be the despair of the travelling and commercial public. On grounds of public policy, Company management of railways by foreign concerns who carry away large profits outside the country and who pay little or no heed to public convenience has long been regarded as a public scandal. The contract with the Bengal and North-Western Railway and the Rohilkund and Kumaon Railway should have expired on the 31st December, 1932. The Government appointed a committee in 1931 to consider what action should be taken when the contract expired, and the Committee, after taking note of the strong public opinion on the subject of the management of the Bengal and North-Western Railway as evidenced by Resolutions adopted by the Bihar and the United Provinces Legislative Councils in favour of termination of the contract, recommended the renewal of the option because of the very practical difficulty pointed out by the then Finance Member that, in the then prevailing conditions, it was impossible to raise nearly £12 millions required to purchase the Railways without straining India's credit and affecting Government's expenditure in other necessary directions. The option will be expiring some time in 1937, and the question to consider is, whether the necessary amount of money can now be raised and whether the taking over of the railways by the State will be financially profitable. It is clear that money at present, in view of the prevailing depression, is cheap and can be easily subscribed if the Government were to float a loan for the purpose. I am perfectly certain that £12 millions could be raised in India itself at rates cheaper than would have been the case in 1932, specially because it is well known that the Bengal and North-Western and Rohilkund and Kumaon Railways are both highly remunerative lines. That these lines are remunerative was admitted by the Government in reply to a question in the Assembly as far back as 10th September, 1931. Mr. Parsons then stated in reply to my friend, Seth Haji Abdulla Haroon's question that the company had paid dividend to its share-holders as follows: 1922-23—11 per cent; 1923-24—13 per cent; 1924-25—14 per cent; 1925-26—16 per cent; 1926-27—18 per cent; 1927-28—19 per cent; and 1928-29—19 per cent. In

addition to paying the above dividends, the company's reserves had been increased from £1,800,000 to £3,150,000 actually in excess of its ordinary capital which is only £3,000,000. There is no reason to suppose that the financial position of the company has deteriorated since then. It is thus obvious that financially it would be a paying proposition to take over these two railways. Even if we borrow £12 millions at 4 to 6 per cent, there will still be a surplus left as the Bengal and North-Western Railway paid a dividend on an average of 16 per cent. Even assuming that establishment charges will increase as a result of State management, there would still be a margin left to cover the interest payable on the capital borrowed. But even if it were not so, I would still urge that the higher interest of the country demands that even at a sacrifice the management of the railways should be taken over by the State immediately. The purpose of the Government is to provide safe and comfortable transport amenities to the people. How can any Government claim to be called a civilised Government which allows its citizens to be conveyed in trucks or wagons herded like cattle. Even if the Government were to lose some money over it, I ask, Sir, is it not worth while in the name of humanity? Sir, if you were to tour the area crossed by this railway in the rainy season, you would be struck by the heavy damage caused to the crops of the poor tenantry of the area through which this railway traverses. The tracks have hardly any openings for the rain water to disappear and the result is that the crops rot. People in their desperation have been driven to the crime of line cutting and have paid the penalty which the Government—patron of this company as they are—are ever on the look out to impose. If the administration of the Railway were not so entirely soulless and mercenary, the losses of the many poor tenantry in my part of the country would be easily avoided. As it is, the only concern of the administration at the moment is to pay as little to its employees as possible and declare as high a dividend as imaginable. No wonder, the people with one voice have demanded the nationalisation at the first opportunity.

I hope the Government will frankly take this House into confidence and tell us what they propose and what agreement have they been able to reach. I can assure the Government that the country is not in a mood to listen to any excuses this time and they will be well advised not to resist the proper demand any longer. This House has been urging nationalisation of railways ever since 1922, and, I am certain, that the House will re-endorse the opinion of its predecessor in no uncertain lines today.

It is time the Government took notice of the great volume of public discontent that exists on the subject of the management of this company and paid some heed to the universal protest against the intolerable hardships and inconveniences suffered by the travelling public on these lines. It is nothing short of a scandal that even today, as admitted by the Government last year in reply to some of my questions, there should be no latrines in third class compartments on the trains of this wonderful Railway system. Even today, lighting arrangements, sitting accommodation, want of punctuality and want of proper courtesy to the passengers continue to be beyond human endurance. The conditions of service for the employees on the railway are hopelessly unsatisfactory, and you cannot expect either efficient administration or proper attention to the needs and requirements of the travelling public as long as you continue to recruit ill-paid men who find it a job to eke out a miserable existence on the

[Mr. B. B. Varma.]

pittance that they receive. I cannot forget the worry to which the Local Government of my province was subject in its anxiety to secure sufficient number of wagons on the Bengal and North-Western Railway to convey distress sugarcane from the earthquake affected areas in North Bihar in the dark days following upon the disastrous earthquake. Only recently, the Health Department of the Government of Bihar and Orissa reported after due enquiry that the food supplied on the railway platforms on the Bengal and North-Western Railway was not fit for human consumption, because of the adulteration of the ingredients composing them. If I may anticipate an objection, Sir, I would like to add one word. It may be urged that the Railway Budget is likely to be a deficit Budget and so it is not the proper time to take over another railway. I would strongly urge that as a very good reason why the Bengal and North-Western Railway should be immediately taken over. Whatever deficit other Railways might be expecting, this much is certain that this Railway will run at a profit and a good deal of profit.....

Mr. President (The Honourable Sir Abdur Rahim): I must ask the Honourable Member to discontinue his speech now and resume his speech on the next Resolution day, for there is a motion for adjournment now.

MOTION FOR ADJOURNMENT.

EXTERNMENT ORDERS ON CERTAIN INDIAN SHOPOWNERS AND TRADESMEN IN IRAQ.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Mr. President, I move that the Assembly do now adjourn.

Sir, I have taken the liberty of moving the adjournment of the business today in order to bring to the notice of the Government certain grievances of the Indians resident in Iraq. I may assure my Honourable friend, the Foreign Secretary, that I have been informed that the grievances of the Indians in Iraq are real and not imaginary, as I believe he said they were imaginary and that I was ill-informed.

Sir Aubrey Metcalfe (Foreign Secretary): Sir, I have not said anything of that sort yet.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must speak up.

Mr. Akhil Chandra Datta: Sir, I have got a cold and cannot speak up.

Sir Aubrey Metcalfe: Sir, I merely interjected that I have not said that the grievances were imaginary.

Mr. Akhil Chandra Datta: I am glad to hear that, but I am assured that it had been said by the Foreign Secretary that I am ill-informed. I remember the word used by him.

Honourable Members: Louder, please. We cannot hear you.

Mr. Akhil Chandra Datta: I am glad that my friend says that he has not said anything of that sort yet, but I should be very happy to know that I am ill-informed. Sir, I am not so perverse as to delight in telling people that the Indians in Iraq have grievances, although in point of fact they have none. I should be very happy to know that they have no grievances. Now, Sir, my story is a very simple one. The whole thing lies in a nutshell. In a certain communication made by Indians in Iraq addressed to our poet, Rabindra Nath Tagore, Indians in Iraq have complained that externment orders are being passed by the Iraq Government upon Indians without any rhyme or reason, and their grievance is that these externment orders are passed with a view to gradually expelling Indians from Iraq; and in support of their apprehensions they say that there actually is legislation on the anvil under which Indians and other foreigners will not be allowed to engage in any kind of business. Sir, that is the whole story. It is not a case of preventing or limiting in future the admission of Indians to Iraq. The grievance is that those Indians, though they have been resident in Iraq for a long time, doing business there and investing their money there and have now got vested interests in that country, are now being asked to quit the country in a short time. Sir, it is well-known how most of the Indians went to Iraq. As a matter of fact I am told, I hope my information is correct, that most of these Indians were sent to Iraq by the Indian Government during the war, and that at the end of the period of occupation, these Indians got settled there because there was a long interval and other people went there mostly as merchants, traders and so on and that there is now a large Indian community in Iraq. If that information is correct, namely, that externment orders have been passed without any particular reason, no reason other than that they are Indians, and if it is true also that legislation is impending under which the Indians will have to leave Iraq, then the position is very unsatisfactory; as a matter of fact in one of the local papers in that country it has recently been said: "good-bye to you, foreigners". If all that is true, it is a case of great hardship, and I bring it to the notice of the Government. If the information is true, it is only fair and proper that their interests should be protected. And who will protect their interests and safeguard their position except the Government of India? Sir, that is all I have got to say. I should not like to take up the time of the House any longer.

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

"That the Assembly do now adjourn."

Sir Aubrey Metcalfe: Sir, I think it will be conducive to the convenience of this House and also perhaps to the peace of mind of some of my Honourable friends opposite if I intervene at this early stage of the debate in order to correct a number of misapprehensions as to facts and also to explain the attitude of the Government of India towards this question. Sir, I gather that my Honourable friend who moved this motion depends for his facts mainly upon notices in the press and upon complaints received from various individuals resident in Iraq. The Government of India, as soon as they heard any complaints on the subject, immediately took steps to obtain accurate information from His Majesty's representative at Baghdad. I will now state to the House what the facts are which they have elicited. In the first place, I may say, as regards the alleged externment orders, that

[Sir Aubrey Metcalfe.]

we made inquiries and were informed on the 16th December of last year that no Indians were at that time under final notice to leave Baghdad or to leave Iraq, but that the question of the renewal of permits which are necessary to reside in Iraq had arisen from time to time under the provisions of the Iraq Residents Law which was enacted in 1923 and has been in force ever since. This law is applicable not to Indians alone but to all foreigners and is applied, irrespective of any question of nationality. It appears that some of the Indian residents had not complied with some of the provisions of the law, and that action was accordingly in contemplation against them in order to see that they did so comply. However, His Majesty's representatives, both consular and diplomatic, immediately took what steps they could to protect those residents who had perhaps wittingly or unwittingly failed to comply with those regulations, with the result that, so far, no externment orders have actually taken effect against any Indian resident. I have heard no more, although I have inquired more than once whether there has been any further development. I trust, I have made it clear that any action hitherto taken by the Government of Iraq regarding the residence of Indians in Iraq has been taken entirely under the Residents Law of 1923, which is being consistently enforced ever since and which has no connection whatever with the law to which the Honourable Member referred and which is now before the Iraq Parliament for a somewhat different purpose. I will now proceed to explain exactly what that law is in so far as we have information about it. Early in November, 1935, it was announced in the speech from the Throne that a Bill would be introduced during the next session in the Iraq Parliament entitled "a law for the restriction of trades to Iraqis". The Bill as originally drafted prohibited absolutely all non-Iraqis from practising a very large number of trades and crafts. But it is understood that during the passage of the Bill through the Lower House—it is now, I may say before the Upper House or the Senate—during the passage of the Bill through Parliament it either has been or it will be amended in such a way as to remove that absolute prohibition and to substitute for it a provision by which the Iraqi Government will have power to issue regulations from time to time restricting the practice of certain callings to Iraqi nationals. You will see, Sir, that there will be no absolute prohibition at all and it will merely empower the Iraqi Government to issue regulations as they may think fit. It is also understood that the Iraqi Government intend to use this power in a reasonable manner and in the first place, at any rate, only to reserve for Iraqis certain unskilled callings such as that of porters and watchmen. The Bill has, however, not yet become law. It is still in the course of passage through Parliament and it is, therefore, impossible for me or anybody else at present to state the exact form in which it will emerge or the exact effect of it. I submit, therefore, that it would be extremely premature and inequitable at present to over-emphasize our criticism of that Bill. So much for the facts.

I will now turn to meet the criticism implied in this motion that the Government of India have not been perhaps sufficiently energetic in defending the interests of Indians in Iraq. As I have already pointed out, the Government of India have from the first maintained the very closest possible touch with His Majesty's Representative over this matter. They have kept him fully informed of the state of Indian public opinion during these developments and they have also associated themselves with any representations which His Majesty's Representative has been able to make

to the Iraqi Government on the subject. To have done more would, I submit, Sir, have been improper and extremely unwise. I have seen it suggested in various questions and so forth which have been put in this House and which it will be my duty to answer later that the Government of India should already consider and possibly threaten retaliatory action. I feel quite sure that everybody will agree that that would be and that would have been an extremely unwise step. There is, I need hardly say, such a thing as public opinion in Iraq as there is in India and threats and coercion might very easily have made it far more difficult for the Iraqi Government to adopt a reasonable attitude as they hope to do towards this question. I do not think it is possible for me now to give this House any further details as to the negotiations which are taking place and will be continued as long as any good is anticipated from such negotiations. But I hope that it may go some way to satisfy opinion in this House and also among the wider public outside with regard to this question, if I read to the House an authoritative message which I have received only today from Baghdad on the subject. This is the message:

"The Iraq Government are fully aware that there is a large number of Iraqis living freely in India without restriction as to the manner in which they earn their living and there is every reason to believe that Iraqi Government will not take any action which would seriously disturb Indians who are now living and working in Iraq. Many of these are skilled craftsmen who are contributing to the development of Iraqi industries."

That, I think, Sir, is quite sufficient to show that the Iraqi Government are fully alive to what public opinion feels here and fully alive also to the effect upon their own interests which might occur if they were to adopt an unreasonable attitude towards this question. I think perhaps I have said enough to show to the House that there is no material here even for criticism, far less for censure upon the Government of India, and I, therefore, venture to suggest to the Honourable the Mover that he might withdraw his motion.

Maulana Shaukat Ali (Cities of the United Provinces: Muhammadan League): Sir, I heartily support my Honourable friend, the Foreign Secretary, and request the Honourable the Mover to withdraw his motion. Probably more than anybody else in this House, especially among Indians, I know Iraq. I have been in touch with the whole Muslim world and I have kept touch with that part of the country which is the subject of this motion for adjournment today. I had visited Iraq when I was returning from attending the Round Table Conference. I have been in correspondence about this whole affair. Before I say anything at all on this subject, I might just refer to the question of Zanzibar that was debated during the last Simla Session when my Honourable friend, Sir Girja Shankar Bajpai, a very clever debater that he is, pleaded against a man like me, who possesses little brains, but more muscle and brawn. My Honourable friend, who possesses all the brains, turned round against me and said: "I do not care what happens to the Zanzibarians so long as the interests of Indians are properly secured". I am afraid, I do not agree with him in that respect. I would like this part of the House (Nationalist) to repudiate that suggestion. I want to remind my Honourable friends that we have been fighting in this country for the liberty of our citizens. We have been making fighting speeches, we have been writing articles in the Press and we have been attacking the Government and have been breaking up our

[Maulana Shaukat Ali.]

hearths and homes all because of our fight for freedom. Now, Sir, Iraq is a small country with barely 30 lakhs of people. It consists mostly of vast tracts of sandy desert. The people there want to be left alone so that they might have a peaceful life and build up their country in their own way. You want to suggest that Indians, who had gone to Iraq during the Great War as a part of the mercenary army and fought the nationals there and broke up their hearths and homes, should live in that country and deprive the Arab inhabitants. What right and justification have you to suggest that? If the British Government had brought forward a Resolution like that—I may be pardoned for using a strong expression—it would have been very wicked on their part. But when such a Resolution comes from this side of the House (Nationalists) I can only say, it is criminal. You complain that outsiders come here and exploit us poor Indians in this country; yet at the same time, you advocate that Indians should go to Iraq and exploit that poor country. What is the justification for such an attitude? Iraq till now had been a mandated territory. Thanks to the efforts of the late King Feisal who was my honoured friend—I knew him and also several of his Ministers and many public men—they have now broken away from the mandate and they are building up the country in their own way and, instead of extending the hand of friendship and encouragement you want to reduce them to the position of subordinates and create difficulties for them. If the British Government wanted to expand their Empire, they would have, on that very plea of protecting Indians, taken this part of the country also just as they took South Africa. I may mention here that the Boer War was fought, because the Indians settled there were not given their full rights. Even after that successful war, you find the position of Indians is as bad as before, if not worse. I want to tell my friends here that as we have been suffering ourselves as “under-dogs”, we must think of the sufferings of smaller people. There are 350 millions of people here. Why should we ask this Government to intercede and why should we censure them? If you are strong enough, and we ought to be strong enough, then get power in your hands, now that the reforms are coming, and nobody in the world will dare to insult you. Today Hitler talks big and Mussolini talks big, and other people talk big and they all insult you. India has got 350 millions of strong and hefty people. Our young men are doing well in cricket and athletics. If they get over their nervousness, they will be able to beat any team in the world, and I congratulate my friend, the Maharaj Kumar of Vizianagram on his brilliant display in cricket in Hyderabad against the Australians. He does not bring in silly quarrels in his game, but he gets the best team work out of his material. I hope the Leader of the Opposition and the Leaders of the other Parties will combine and get the best team work in India, and India will then be able to stand on its own legs and carve out its future. Sir, when we are able to do that, we will, of course, lose our friends, the British officials, who, in season and out of season, shout that we were incapable and not fit to manage our affairs as evidenced in this morning’s debate about the Army Committee. They are all very interesting people; we will miss some nice evening parties and some of us may miss chances of getting new titles. But, I am sure, after a week India will be as well managed as it is being managed today, if not better. I do not want to learn anything from my Honourable friend, the Defence Secretary, as to how we should defend our country, and, if I fight against him, I think even now, in my old age, I would give him an

uncomfortable half hour. Sir, language was given to give expression to our innermost feelings; I am still a man of peace, and I work for peace and reconciliation between the people of India and between England and India, so that, during the next ten years, with the help of this new Constitution, Indian honour and Indian self-respect may be satisfied. I am a Muslim and proud of being one, and you may call me a communalist if that means that I am proud of my faith and my culture. But if it means that I am flying at the throat of every Hindu, then I am not a communalist. I speak for Iraq not only because it is a Sacred Muslim land, but that a small brave nation is working hard to make a destiny for itself. My earnest request is that the Honourable the Mover should withdraw this Resolution. We should not use British power and prestige against the smaller struggling nations, just as we desire for ourselves that no outsider has any business to come and rule over us.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I did not want to participate in this motion for adjournment, but when I heard my esteemed friend, the Big Brother, I felt somehow that there is a confusion of purpose in this motion. India does not want to encroach upon the rights and liberties of any citizen in any part of the world, not to say an Asiatic country, or in a mandated territory which might be under British control. What we Indians are afraid of is that under British control we have lost, bit by bit, our rights of citizenship in the various dominions; and when it comes to a mandated territory, in spite of all the political and diplomatic language that my Honourable friend, Sir Aubrey Metcalfe, is kind enough to introduce. . . .

Sir Aubrey Metcalfe: Sir, may I intervene for a moment? The Honourable Member apparently refers to Iraq as a mandated territory. It is nothing of the sort, and a statement of that kind made on the floor of this House is calculated to give the gravest offence to a foreign country.

Mr. B. Das: Is it a foreign country or a mandated territory?

Mr. President (The Honourable Sir Abdur Rahim): It is no longer a mandated territory. That is what the Honourable Member says.

Mr. B. Das: That was my impression. But if that is so, I congratulate Iraq on getting out of the clutches of the British. The purpose of the Honourable the Mover of this motion is this, that, when we are envisaging new life and new rights of citizenship that are envisaged in the so-called new reforms that will come sooner or later, we want equal rights of citizenship with any British subject in the Iraq kingdom. If a British subject, if a cousin of my friend, Sir Aubrey, can acquire rights of citizenship in Iraq, every Indian should be so entitled, although I want to assure my esteemed friend, Maulana Shaukat Ali, that no Indian likes to encroach upon the lives and properties in any Asiatic territory. I may even say that I do not want to get property even in Great Britain though my esteemed friends like Sir Cowasji Jehangir and others are buying up property in England. Perhaps my friend, Sir Homi Mody, is also doing that; so that they can fly away to England when there are difficulties here. So I do hope, my friend, Maulana Shaukat Ali, will agree with the purpose of this motion for adjournment. It is not communal, but it is a censure on the British Government.

Maulana Shaukat Ali: Censure them for Canada, Australia and every other part of the world, but leave Iraq alone.

Mr. B. Das: We know what happened in Kashgarh and other places where Indians did not receive equal treatment. And if this is a motion of censure, it is a censure on the British Government, and I hope, my Honourable friend, Maulana Shaukat Ali, will vote for the motion.

Maulana Shaukat Ali: Beat him hard and take my big stick.

Mr. B. Das: Sir, I support this motion.

Mr. Akhil Chandra Datta: Sir, I think my Honourable friend, the Foreign Secretary, has done me a bit of injustice. An adjournment motion is ordinarily a motion of censure, but, at the same time, it must be admitted that every motion for adjournment is not a censure motion, and I do not think it can be said that in my speech I uttered one word by way of censure of the Government of India. My object, as I said at the very beginning, was only to draw the attention of the Government to the grievances about which we have received communications from Iraq.

Now, Sir, according to the information of Government, no externment orders have actually been passed although I have got here a list of the names of Indians upon whom externment orders have been passed. I must, however, say that I cannot vouch for the truth of this information. I am not in a position to say that my information is correct and that the information of the Government is wrong. In view of that position, and also in view of the fact that we are assured that the proposed law has been amended, partially at any rate, and in view of the message which has been placed before this House—the message which has been received from the Iraq Government—I gladly withdraw this motion, without attempting any reply to the observations of Maulana Shaukat Ali, hoping that a further careful enquiry will be made, and if there are any real grievances, the Government will be pleased to see that those grievances are removed. Allow me, Sir, to take this opportunity of asking—I am only making a suggestion—that now that the Secretariat is being reorganised, whether it is not possible to have an Overseas Department, so that the position of Indians overseas may be safeguarded. With these words, I am glad to withdraw the motion.

The motion was, by leave of the Assembly, withdrawn.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 5th February, 1936.

LEGISLATIVE ASSEMBLY.

Wednesday, 5th February, 1936.

7 MAR 1936

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

QUESTIONS AND ANSWERS.

WITHDRAWAL OF TROOPS FROM THE LOHARU STATE.

45. ***Mr. S. Satyamurti:** Will Government be pleased to state whether their troops have been withdrawn from the Loharu State?

Sir Aubrey Metcalfe: Yes.

Mr. S. Satyamurti: May I know under what circumstances these troops were withdrawn? Was it by the request of the Ruler of the State or by the decision of the Government of India, without any reference to his request?

Sir Aubrey Metcalfe: I am afraid I must have notice of that question. I have not got the exact facts in my mind.

Mr. S. Satyamurti: May I know approximately when they were withdrawn?

Sir Aubrey Metcalfe: I am afraid that I cannot tell my Honourable friend as I was on leave at the time; but I can certainly give him the exact date if he wishes to know it.

Mr. S. Satyamurti: May I know how long they were in the State as a whole?

Sir Aubrey Metcalfe: I am afraid I must ask for notice of these questions: these are all matters of detail which do not arise directly out of the question.

Mr. S. Satyamurti: I do not mind my friend asking for notice, but I submit that they do arise out of the question.

Mr. President (The Honourable Sir Abdur Rahim): The original question could be answered by "yes" or "no".

REDUCTION OF THE EXCISE DUTY ON SUGAR.

46. ***Mr. S. Satyamurti:** Will Government be pleased to state:

(a) whether their attention has been drawn to the accompanying leading article† in the *Hindu* of the 20th August on the Indian sugar industry;

†Sent to the Department concerned.

(b) whether they are considering the reduction of the excise duty on sugar; and

(c) whether they are taking adequate steps to secure proper prices for the cane growers?

The Honourable Sir James Grigg: (a) Yes.

(b) As I said in reply to Dr. Rajan's question No. 716 on the 26th September last, Government do not in matters of taxation announce their intentions in advance.

(c) Under section 3 of the Sugar-cane Act, 1934, this is primarily the concern of the Local Governments.

Mr. S. Satyamurti: With regard to the answer to clause (b), I want to know what is the policy of the Government with regard to excise duties on protected goods generally.

The Honourable Sir James Grigg: That does not arise out of the question. The Honourable Member asked me a question about one particular case, and I have given an answer to that: I am afraid that even if he asked the general question, the answer would be very much the same, until the budget at any rate.

Mr. S. Satyamurti: With regard to sugar, what is the policy of the Government? Do they think that they must make up the revenue somehow or other, or do they take the consumers' interest into account?

The Honourable Sir James Grigg: I am very glad to notice this new-found affection of the Honourable Member for the consumer, but it is a little late in the day.

Mr. S. Satyamurti: I am trying to convict the Honourable Member out of his own mouth. I want to know what the policy of the Honourable the Finance Member is. Is the consumer's interest taken into account only in certain cases, and not in the case of excise duties?

The Honourable Sir James Grigg: The grafting of an excise duty on to a very heavy protective duty without increasing that duty does not affect the consumer at all: it only affects the producer.

Mr. S. Satyamurti: With regard to that, may I know if Government are satisfied that cane-growers on the whole throughout India are now securing more or less adequate prices for their produce?

Sir Girja Shankar Bajpai: May I answer that, Sir? In the last Session, there was an inquiry, I think, by Dr. Ziauddin Ahmad. I then stated that two Local Governments where the area under cane is biggest—that is, the United Provinces and Bihar and Orissa—had made rules under the relevant Act to ensure the securing by the ryot of adequate prices.

Mr. S. Satyamurti: What about Madras, may I know?

Sir Girja Shankar Bajpai: So far as I know, the Government of India have not taken any action in this respect.

Mr. S. Satyamurti: Will the Government of India remind them and persuade them to take action?

Sir Girja Shankar Bajpai: I should have thought that the Legislative Council of Madras would be adequate really to bring pressure upon the Madras Government to take action in that direction if necessary.

Mr. S. Satyamurti: Will the Government of India abdicate their function in these matters to the Legislative Councils?

Sir Girja Shankar Bajpai: In this particular case they are merely attributing to the Government of Madras a function which properly belongs to them: there is no question of abdicating anything.

Mr. S. Satyamurti: Question No. 47.

Mr. F. E. James: Sir, before this question is answered, may I raise a point of order? This question refers to a statement made by a particular gentleman. There is no reference to what the statement is about, and there is no reference as to the precise document which contains that statement, and, therefore, it is extremely difficult for Members who might wish to put supplementary questions to know what the question is really about.

Mr. President (The Honourable Sir Abdur Rahim): The Chair thought the document or statement of Mr. Andrews was appended to the question?

Mr. S. Satyamurti: Yes, Sir.

Mr. F. E. James: That is not the relevant point. I recollect that it was your order that in these matters the question should make specific reference to where the document can be found. I would point your attention to question No. 46 of the Honourable Member in which he does specifically refer to a leading article in the *Hindu* of the 20th August on a particular subject. Therefore, Members who wish to put supplementary questions can inform themselves as to that document. But, in question No. 47, there is merely a reference to "an accompanying statement", and Members of the House have no idea of what the statement is about or where that statement can be found, and, therefore, Sir, I ask your direction in regard to this matter.

Mr. S. Satyamurti: May I make my submission on what has been said? I did send a copy of this statement to the Assembly Office, and it is there; and these questions are printed days in advance and sent to all Honourable Members: if any Honourable Member wanted to have a look at a copy of the statement, nothing was easier for him than to write to the Assembly Department and get a copy. I did not want the Assembly Office not to print the statement.

Mr. President (The Honourable Sir Abdur Rahim): Was that statement published in any newspaper?

Mr. S. Satyamurti: I do not recollect just now. If it was, normally speaking, I should have given the reference to it. You will notice that, in all cases, wherever I could give a reference, I have given it, and so it is not likely that it appeared in any paper. But it is available in the office.

Mr. President (The Honourable Sir Abdur Rahim): The Chair understands that the statement was sent to the Department concerned—the Chair imagines that is the usual practice; and for the future the Chair should think, when reference is made to a statement like that, Members should give the exact reference, or when such reference by itself is not sufficient, a certain number of copies supplied to this office so that they may be available to other Members.

RE-APPOINTMENT OF A TRADE COMMISSIONER IN EAST AFRICA.

47. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their attention has been drawn to the accompanying statement† of Mr. C. F. Andrews made in Ahmedabad;
- (b) whether they propose to re-appoint a Trade Commissioner in East Africa; and
- (c) if not, why not?

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

(b) and (c). The question of appointing an Indian Trade Commissioner in East Africa is under the consideration of the Government of India.

Mr. S. Satyamurti: How long has it been under consideration?

The Honourable Sir Muhammad Zafrullah Khan: I cannot say.

Mr. S. Satyamurti: May I know what are the considerations which prevent the almost immediate appointment of a Trade Commissioner? Are there any insuperable difficulties in the way of the appointment?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir.

Mr. S. Satyamurti: May I know then the reasons for this delay?

The Honourable Sir Muhammad Zafrullah Khan: There are certain difficulties which have to be got out of the way.

Mr. S. Satyamurti: Before how long do Government hope to make up their minds to appoint a Trade Commissioner?

The Honourable Sir Muhammad Zafrullah Khan: Government may have made up their minds, but there may be some matters intervening which may have to be disposed of.

Mr. S. Satyamurti: May I know definitely whether Government have or have not made up their minds?

†Sent to the Department concerned.

The Honourable Sir Muhammad Zafrullah Khan: Government hope to be able to announce their decision shortly in this matter.

Sir Darcy Lindsay: Have Government considered the feasibility of appointing a trade correspondent as against a Trade Commissioner in some of the overseas countries?

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

Mr. M. Ananthasayanam Ayyangar: Is it not a fact that as early as 1929 the Cotton Textile Board recommended the appointment of a Trade Commissioner for Durban, East Africa, etc.?

The Honourable Sir Muhammad Zafrullah Khan: I am unable to say, particularly with regard to the date; but very probably the suggestion is correct.

Mr. M. Ananthasayanam Ayyangar: Then why has there been so much delay?

Mr. President (The Honourable Sir Abdur Rahim): That has been answered.

PLIGHT OF INDIANS IN FIJI.

48. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their attention has been drawn to an article by Dr. A. D. Sagayam in the *Hindu* of the 22nd June, 1935;
- (b) whether they have considered the plight of Indians in Fiji with regard to the settlement of land; and
- (c) whether they propose to send a Commission or an officer to investigate and report on the matter?

Sir Girja Shankar Bajpai: (a) Yes.

(b) and (c). I would refer the Honourable Member to the reply given by me on the 6th September, 1935, to Mr. C. N. Muthuranga Mudaliar's starred question No. 183.

Mr. S. Satyamurti: May I know if Government propose to send out a Commission or an officer to investigate and report on the matter?

Sir Girja Shankar Bajpai: What I stated in reply to Mr. Muthuranga Mudaliar's question was that the question whether the Government should depute anybody to Fiji would depend upon the Report as regards the existing position there for which they had asked through the Colonial Office. That Report, I regret to say, has not yet been received.

CONTRACTS FOR LOCOMOTIVES.

49. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether it is a fact that contracts for 20 locomotives for the North Western Railway and the East Indian Railway have been placed with Krupps;

(b) whether the Eastern Bengal Railway have ordered 15 locomotive boilers; and

(c) whether these orders have been sanctioned, bearing in mind the present financial position of the Railways and the existing rolling-stock available at present for such reduced traffic?

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

(b) Yes.

(c) Yes. The locomotives purchased are all of the XT class and have been purchased because it was found necessary by the two railways to have light engines to run frequent services of light and fast trains to compete with road traffic. From trials carried out with this class and the next most suitable class, it has been found that on the North Western Railway, the XT class engine shows a saving of Rs. 4,042 per engine per annum, and on the East Indian Railway a saving of Rs. 2,325 per engine per annum. The position was fully explained to the Standing Finance Committee for Railways in June 1934 when the rolling stock programme for 1935-36 was placed before them.

The 15 boilers for the Eastern Bengal Railway were in replacement of boilers which had been in use for longer than their normal life and had to be replaced.

Mr. S. Satyamurti: May I know, Sir, if these contracts have been executed, and if these locomotives and boilers have been received?

The Honourable Sir Muhammad Zafrullah Khan: Yes, Sir.

Mr. S. Satyamurti: May I know, Sir, for how long these have been working on the lines?

The Honourable Sir Muhammad Zafrullah Khan: I could not answer that without notice.

Mr. S. Satyamurti: Have Government any information if these locomotives and boilers have really added to the revenues of these Railways, or at least reduced expenditure which otherwise they would have incurred?

The Honourable Sir Muhammad Zafrullah Khan: I have already stated that in my reply which I have read out.

Mr. S. Satyamurti: May I know, Sir, in placing these orders if Government took into consideration the very difficult financial position of the Railways, and whether they are satisfied that these orders which have been executed have really helped to relieve the difficult financial position of the Railways?

The Honourable Sir Muhammad Zafrullah Khan: Certainly, Sir.

Mr. F. E. James: Sir, may I ask a supplementary question? In determining the placing of these contracts, am I to understand that the price factor is the determining consideration?

The Honourable Sir Muhammad Zafrullah Khan: That is certainly one of the most relevant considerations.

Mr. F. E. James: In determining that, may I ask whether any consideration has been given to the undoubted possibility that the prices of continental articles as against British articles are affected by subsidies which are given to manufacturers in those countries in various forms?

The Honourable Sir Muhammad Zafrullah Khan: That raises a very contentious question. I am afraid I could not reply "Yes" or "No" to it. I can make a statement if the Honourable Member insists upon it.

Mr. F. E. James: I am not asking for a statement of policy, Sir. I am merely asking as to whether any consideration is given to that factor which naturally has a very large influence in determining the price of the continental article as against the price of the British article.

The Honourable Sir Muhammad Zafrullah Khan: That factor determines the prices of a good many things, and Government have to consider that factor in relation to the placing of contracts for several articles, and not merely in regard to these railway contracts.

Mr. F. E. James: May I know, then, whether the Honourable Member will be prepared to look into that question in so far as it affects the principles underlying the grant of contracts to countries which enjoy subsidies in various forms in regard to these matters?

The Honourable Sir Muhammad Zafrullah Khan: I have not said that we have not looked into it. My reply was that Government have looked into that question.

Mr. Lalchand Navalrai: May I know, Sir, how many locomotives, out of these 29, have arrived for the North Western Railway, and where are they working?

The Honourable Sir Muhammad Zafrullah Khan: I could not answer that without notice.

Mr. S. Satyamurti: May I know, Sir, from what point of view Government have looked into these subsidies and other things, and whether the price factor was also considered in buying these things?

The Honourable Sir Muhammad Zafrullah Khan: That was the main consideration.

Mr. F. E. James: In that connection, may I know if the Honourable Member who, as I understand, as Minister in charge of Railways, has looked into this question, will at some time make a statement as to the considerations which now affect this particular difficulty in the way of the British manufacturer?

The Honourable Sir Muhammad Zafrullah Khan: I can make a statement now. Allegations have been made against all sorts of concerns not only on the Continent, but even with regard to certain British manufacturers, and Government considered these allegations when they arrived at this decision, but one difficulty is if they apply their decision against continental manufacturers in favour of the British manufacturers, where are they to stop?

Mr. F. E. James: The allegations have been made?

The Honourable Sir Muhammad Zafrullah Khan: So far, the matter has not gone beyond allegations.

POSITION REGARDING INDIAN STATES AND THE PROPOSED INDIAN FEDERATION.

50. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their attention has been drawn to the news from the special correspondent of the *Hindustan Times*, dated the 28th August, published in its issue of the 30th August;
- (b) whether Government are keeping in touch with these developments;
- (c) whether Mr. Monckton has interviewed Government to discuss the situation; and
- (d) what the latest position with regard to the Indian States and the proposed Indian Federation is?

The Honourable Sir Nripendra Sircar: (a) and (b). Yes.

(c) No. Mr. Monckton is understood to have made his visit to India in his private capacity.

(d) Government have no information beyond what appeared in the Press on the 8th September, 1935.

Mr. S. Satyamurti: May I know, Sir, if all these negotiations with regard to the entry of Indian States into the Federation are being made by the Government of India or through the Government of India, and not by the Secretary of State directly with these Indian States?

The Honourable Sir Nripendra Sircar: I answered a question yesterday, and I stated that no negotiations have started between the Government of India and the Indian States.

Mr. S. Satyamurti: May I know, Sir, apart from the Government of India, if any other negotiations are going on, with the knowledge of the Government of India, between the Secretary of State and the Indian States?

The Honourable Sir Nripendra Sircar: Not to our knowledge.

REPORT OF THE ASIATIC LAND TENURE COMMISSION AND ITS EFFECT ON THE POSITION OF INDIANS IN JOHANNESBURG.

51. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether they have considered the Report of the Asiatic Land Tenure Commission, Parts 1 and 2 of which have been published;

- (b) whether they have considered the effect of the acceptance of these recommendations on the position of Indians in Johannesburg; and

- (c) whether Government propose to take any steps to protect the legitimate rights of Indians?

Sir Girja Shankar Bajpai: With your permission, Sir, I shall reply to questions Nos. 51 and 66 together. The Government of India have recently received the views of the local Indian Community on parts I to III of the Report of the Transvaal Asiatic Land Tenure Act Commission. They have examined these along with the Report and the Bill which the Union Government have gazetted in order to give effect to the recommendations made by the Commission. They are in consultation with their Agent-General and hope shortly to give him instructions as to the representations that he should make to the Union Government.

Mr. S. Satyamurti: May I know if Government are satisfied that no irrevocable action will be taken by the South African Government or the authorities concerned before they receive these representations and consider them?

Sir Girja Shankar Bajpai: That is so. Government have satisfied themselves on that point.

ALLEGED ASSAULT OF THE PARCEL CLERK AND THE ASSISTANT STATION MASTER AT BAREILLY BY BRITISH MILITARY MEN.

52. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their attention has been drawn to a report from Bareilly, dated the 16th August, 1935, published in the *Hindustan Times* of the 17th August, 1935, stating that three British military men assaulted the Parcel Clerk and the Assistant Station Master;
- (b) whether any enquiry has been started in the matter; and
- (c) what action, if any, Government propose to take in the matter?

Mr. G. R. F. Tottenham: (a) Yes.

(b) The usual police investigations were made.

(c) Two British soldiers were tried by the Railway Magistrate last August under section 121 of the Railway Act for assaulting a Parcel Clerk and the Station Master, Bareilly, while in the discharge of their duties. One was fined and the other was acquitted. Government do not propose to take any further action in the matter.

Mr. S. Satyamurti: With reference to the answer to clause (b) of the question, may I know, Sir, how many British soldiers were found to have been concerned in the matter as a result of the police inquiry?

Mr. G. R. F. Tottenham: I presume, Sir, two. Two were put up for trial.

Mr. S. Satyamurti: Subject to your ruling, Sir, may I ask whether Government propose to take any action to stop or to control these recent manifestations of lack of discipline of British soldiers in this country? This is not the first instance. We have put one or two questions about Benda and some other places.

Mr. President (The Honourable Sir Abdur Rahim): That is rather vague. It is a general reflection. The Chair thinks the Honourable Member must make his question more definite.

Mr. S. Satyamurti: May I ask the Government to state whether, in view of the recent two or three occurrences of lack of discipline of British soldiers, they contemplate taking any action to prevent such occurrences in future?

Mr. G. R. F. Tottenham: Will the Honourable Member please repeat his question.

Mr. S. Satyamurti: May I ask the Government, in view of the recent occurrences in two or three places of the lack of discipline of British soldiers, they propose to take any action to prevent such incidents in the future?

Mr. G. R. F. Tottenham: They do not propose, Sir, to take any more action than they have taken in the past. There is no evidence that the number of cases of indiscipline is on the increase. In fact, the evidence goes to prove the contrary. Therefore, Government consider that no further action is necessary. Every time a particular case occurs, they will see that the offender is dealt with in the proper way.

Mr. S. Satyamurti: But are Government taking action by way of prevention, as apart from punishment?

Mr. G. R. F. Tottenham: There are rules as regards the discipline of the army which are satisfactory and sufficient for the purpose.

Seth Govind Das: Do Government know that these instances are increasing every day?

Mr. G. R. F. Tottenham: No.

CIRCULAR ISSUED BY THE COMMISSIONER OF THE MEERUT DIVISION RE SEEING OF TROOP MARCHES BY SCHOOL CHILDREN.

53. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether it is a fact that the Commissioner of Meerut Division has forwarded a circular letter, with regard to troop marches, to all the Chairmen of District and Municipal Boards, requiring them to inform their educational authorities that it is desirable, that the children in Schools on the line of march should be afforded an opportunity of seeing the troops march past;
- (b) whether this is based on any instruction from Army Headquarters or Government of India; and
- (c) what is the reason for this order?

Mr. G. R. F. Tottenham: (a) Government have no information.

(b) If such a circular was issued, it was no doubt based on instructions issued by the Government of India.

(c) In the opinion of Government, it is a good thing for the rising generation to know that there is an army and what it looks like.

Mr. S. Satyamurti: May I know what is the reason for the Government issuing these orders from time to time that all our children should line the routes of these British soldiers marching?

Mr. G. R. F. Tottenham: There is no instruction to that effect—that children should line the route—so far as I know.

Mr. S. Satyamurti: What is the kind of opportunity afforded to these children to see troops march past? Do they not have to stand on either side of the troops marching past?

Mr. G. R. F. Tottenham: I presume when the troops march past, they are allowed to cease work, look out of the window or go out to see what is going on.

Mr. S. Satyamurti: Does my Honourable friend know that, as a matter of fact, when the troops march, these boys are made to stand on either side of the troops marching past?

Mr. G. R. F. Tottenham: No.

Mr. S. Satyamurti: Will Government make enquiries and find out what is being done?

Mr. G. R. F. Tottenham: No. It is quite unnecessary.

Sir Muhammad Yamin Khan: Do Government know that the people of Meerut do not know of these orders? (Laughter.)

AMENDMENT OF THE INDIAN RAILWAYS ACT.

54. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether the Railway Board is anxious to get the Indian Railways Act amended early;
- (b) whether there are any proposals made by the late Sir B. N. Sarma in respect of the amendment of the Act; and
- (c) whether these proposals have been published and whether the amendment of the Railways Act will be undertaken by the Government of India in time for the formation of the Federal Railway Authority?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government are aware that in some directions, notably in the direction of increasing the penalties for travelling without tickets, the Act requires revision; but all of these matters are not of sufficient urgency to justify immediate consideration being given to the question of revising the Act as a whole.

(b) Yes.

(c) The reply to the first part is in the negative, but the Honourable Member will find in the Library of the House a pamphlet in which are embodied the recommendations made by the late Sir B. N. Sarma. As regards the second part, Government are unable to give a reply at present.

Mr. S. Satyamurti: May I know the reasons why Government are unable to give reasons for not wanting to amend the Railways Act at least before the formation of the future Federal Railway Authority?

The Honourable Sir Muhammad Zafrullah Khan: I have not said that Government do not want to amend the Railways Act; I said, not all particulars with regard to which revision may have become desirable.

Mr. S. Satyamurti: May I take it that the Honourable the Commerce Member means that, in such respects as the Government consider necessary, the Act will be amended before the formation of the Federal Railway Authority?

The Honourable Sir Muhammad Zafrullah Khan: I hope so. With regard to some of the matters I have mentioned, it may be possible to introduce legislation in the current Session.

Mr. S. Satyamurti: Apart from increasing the penalties for travelling without tickets, are there any other directions in which Government contemplate amending the Railways Act?

The Honourable Sir Muhammad Zafrullah Khan: Not in the course of this Session.

LEGISLATION REGARDING THE FEDERAL RAILWAY AUTHORITY.

55. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) when they expect the Federal Railway Authority will come into being;
- (b) whether they propose to introduce any supplementary legislation in the Legislative Assembly; and
- (c) if so, when?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government are unable at present to state a definite date.

(b) and (c). Government originally intended to introduce supplementary legislation in 1936, but have now been advised that the legislative power conferred on the Federal Legislature by sub-section 2 of section 182 of the Government of India Act can only be exercised by the present Indian Legislature during the transitional period between the commencement of Part III of the Act and the establishment of Federation. Consequently the introduction of legislation will have to be postponed till after Part III of the Act comes into operation.

Mr. S. Satyamurti: By whom were the Government advised? By their own legal officers?

The Honourable Sir Muhammad Zafrullah Khan: Yes, by the Legislative Department.

INTRODUCTION OF ECONOMY IN THE WORKING OF THE RAILWAYS.

56. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether they are considering the question of introducing economy in the working of the Railways;
- (b) what are the recommendations so far made in this direction by their Retrenchment Commissions which have not been carried out;
- (c) the reasons why they have not been carried out;
- (d) whether Government are considering the amalgamation of all the Railways in India; and
- (e) whether they have made up their mind to accept the policy of taking over the management of all Railways in India with a view to their amalgamation; and, if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) The possibility of reducing expenditure on railways as far as practicable is constantly under the consideration of Government.

(b) and (c). I would refer the Honourable Member to the two statements placed on the table of the House in November, 1931, and February, 1932, respectively, detailing the recommendations of the Railway Sub-Committee for reduction in railway expenditure and the action taken or recommended to be taken on them by the Railway Board. I place a further statement on the table regarding the decisions taken on items which were shown as still under consideration in the latter.

As regards the Pope Committee which made recommendations for economy in Railway expenditure I would refer the Honourable Member to paragraph 12 of Volume I of the Reports by the Railway Board on Indian Railways for 1933-34 and 1934-35; and to the two memoranda by the Railway Board on the progress of job analysis on Indian Railways to be found in the Proceedings of the meetings of the Standing Finance Committee for Railways on pages 30 to 33 of Volume X—No. 6, and on pages 5 to 7 of Volume XI—No. 3. Copies of the Reports and of the Proceedings referred to are in the Library of the House.

(d) Regrouping of Indian State Railways into a smaller number of systems is one of the recommendations of Mr. Pope which Government have had under consideration for some time.

(e) A decision on the transfer to State-management of railways now managed by companies on the expiry of their contracts depends on the circumstances of each case and upon whether it is found profitable taking into consideration all circumstances at the time, such as the cost of borrowing and the savings by such purchase whether by amalgamation with another railway or otherwise. Government are not prepared to express an opinion on the general question.

Statement showing recommendations made by the Railway Sub-Committee of the Retrenchment Advisory Committee regarding economy in working expenses which have not been carried out.

Para. of Sub-Committee's Report.	Recommendation.	Reasons why recommendation has not been carried out.
Para. 31 & Chapter V.(a)	The Sub-Committee recommended that the posts of Controller, Deputy Controller and Assistant Controller of Railway Accounts and the Assistant Accounts Officer should be abolished and that a post of Deputy Director of Accounts be created in the Railway Board's office in their stead;	(a) After discussion with the Auditor General and the Public Accounts Committee, Government found themselves unable to accept the recommendation.
(b)	that the cost of accounting on railways should be reduced by 12 lakhs; that the cost of the audit staff should be reduced by 10 lakhs; and in particular that the office of the Director of Railway Audit should be abolished and the existing concurrent check should be replaced by a test check.	(b) The total savings on an average cost basis resulting from the re-trenchment measures effected are estimated to be Rs. 11 lakhs per annum in the Railway Accounts Department, and Rs. 2 lakhs and sixty-four thousand per annum in the Railway Audit Department.
(d)	that unless the total cost of the accounts and audit organisations on State-managed Railways be reduced in accordance with the previous recommendations the question of amalgamating the Departments should be considered.	Consistent with the views expressed by the Public Accounts Committee that the scope for retrenchment in the Railway Audit is limited and that, in view of the volume and complexity of railway transactions, any drastic attempt at retrenchment might involve risks which could not be lightly undertaken, Government could not contemplate any further reduction in the Railway Audit Department.
103	The Sub-Committee recommended that the headquarters organisation of Railways, with Divisional organisation, should be considerably cut down.	(d) Government were unable to accept the suggestion. The question was examined at great length by the Board and it was decided to leave the consideration of the matter over till the expert enquiry into Indian Railways was instituted. The proposal of an expert enquiry was, however, dropped and the Pope Committee was appointed instead. The Pope Committee officially did not consider this question but Mr. Pope on an unofficial reference expressed the opinion that on general organisational principles it would be a mistake to reduce the executive and supervisory machinery on important Railways. The question was not therefore, proceeded with further.

Para. of Sub-Committee's Report.	Recommendation.	Reasons why recommendation has not been carried out.
104	The Sub-Committee considered that if the Divisional organisation had led to increased efficiency it ought to be carried much further on the Great Indian Peninsula Railway and that the Commercial Department and the Engineering staff should be put under the Divisional Superintendent.	The question was examined by an officer on special duty. After careful consideration of his report the Railway Board came to the conclusion that no change in the Divisional organisation on the Great Indian Peninsula Railway was indicated. Nagpur and Bhusawal divisions on that Railway have, however, been amalgamated.
108	The Sub-Committee were inclined to the opinion that there was unnecessary duplication of work in the system of personnel officers, and in particular the organisation on the North Western Railway was unnecessarily extravagant.	This is still under consideration.
143	The Sub-Committee recommended that the expenditure on publicity by Railway Administrations should be reduced to 2½ lakhs.	The possibility and advantage of working to this limit which was less than half the expenditure that was being incurred at the time was considered in consultation with the Railway Administrations and it was not found possible to cut down the expenditure to a figure below 7,70,000 which was the amount of the expenditure actually incurred during 1932-33. The matter is, however, being further examined.
148	The majority of the Sub-Committee recommended that the post of Timber Advisory Officer should be abolished.	The main reason for the Sub-Committee's recommendation was that the advice of the Forest Research Institute could be obtained in such matters. The Railway Board, however, considered that a large part of the Advisory Officer's work could not be undertaken by the Institute.
164	The Sub-Committee recommended that the leave reserve of officers be cut down from 20 per cent. to 10 per cent.	This question received very careful consideration of the Board. It was decided to reduce the leave reserve of 20 per cent. (which included deputation reserve) to 16 per cent. It was not considered possible to make any further reduction and the leave reserve of 10 per cent. as suggested by the Committee was not considered adequate.

Para. of Sub-Committee's Report.	Recommendation.	Reasons why recommendation has not been carried out.
192	The Sub-Committee recommended that further action to give effect to the Hours of Employment Regulations should be suspended and no effort should be made to introduce these rules where they were not in force.	The Railway Board at first considered the possibility of suspending further action in regard to the extension of Hours of Employment Regulations to other Railways, but the Government of India felt that consistent with the international obligation they could not postpone further action in the matter indefinitely. Consequently the Hours of Employment Regulations have been extended to Eastern Bengal and Great Indian Peninsula Railways from 1st April 1934 and to Bombay, Baroda and Central India Railway and Madras and Southern Mahratta Railway from 1st November 1935.
193	The Sub-Committee recommended that the concessions with regard to rates and fares given to the Military Department should not be continued any longer.	This matter is still under examination.
194	The Sub-Committee recommended that the headquarters establishment of the Medical Department on the Eastern Bengal and East Indian Railways should be amalgamated.	The recommendation was examined very carefully and discussed with the Agents concerned but it was not found feasible as it was considered that one Chief Medical Officer could not supervise the medical work on both the Eastern Bengal and East Indian Railways efficiently. As an alternative a proposal to combine the post of Principal Medical Officer and the District Medical Officer, Eastern Bengal Railway, Calcutta was considered but this was also not found practicable as both the officers were fully employed and it was considered essential that the Principal Medical Officer should be free to tour away from the headquarters for inspections, etc.
196	The Sub-Committee recommended that the compilation of statistics on Railways should be in charge of a Compilation Officer under the Accounts Department.	The present position in regard to the statistical work on State-managed Railways is that the compilation office now works under the Accounts Department on the North Western, East Indian and Great Indian Peninsula Railways, but on the Eastern Bengal and Burma Railways this work is under the Agents.

Mr. S. Satyamurti: Do Government realise the very urgent need for retrenchment in railway expenditure, in view of the continuous fall in railway revenues?

The Honourable Sir Muhammad Zafrullah Khan: Yes.

Mr. S. Satyamurti: Then, may I know whether, in view of the latest developments, what are the economies which the Honourable the Commerce Member has affected or has in mind, apart from the previous recommendations which have been accepted or are being considered?

The Honourable Sir Muhammad Zafrullah Khan: The expenditure is being very carefully scrutinised from day to day almost and even the smallest economy is not being neglected. With regard to the amount of the economies effected in working expenses, I may be able to make a statement in the course of my speech introducing the budget estimates.

Mr. S. Satyamurti: Have Government heard from the Agents of Railways in response to their request, which I think was sent some time last year, for further economies in railway expenditure, and, if so, what is the nature of their replies?

The Honourable Sir Muhammad Zafrullah Khan: Government are in constant communication with the Agents and believe that every possible economy is being effected and that the situation is being carefully watched.

Mr. S. Satyamurti: Will the Honourable the Commerce Member be good enough to give just one or two instances of the major economies effected?

The Honourable Sir Muhammad Zafrullah Khan: No major economies are possible at this stage.

Mr. S. Satyamurti: Any minor economies?

The Honourable Sir Muhammad Zafrullah Khan: With regard to that, one would have to go into very great detail to collect all the information.

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

Mr. M. Ananthasayanam Ayyangar: I want to put one supplementary question. Is it not a fact that job analysis does not include a retrenchment of the staff?

Mr. President (The Honourable Sir Abdur Rahim): That question has been sufficiently discussed.

Mr. S. Satyamurti: I want to put one question with regard to (e) of the question, that is, amalgamation. May I ask whether they have considered the possibility of economies by amalgamating the railways, in that they can abolish many superior officers, Agents, and so on and so forth, which consume a lot of our expenditure?

The Honourable Sir Muhammad Zafrullah Khan: The first part, yes; last part, No.

ADVERSE EFFECT ON RAILWAY RECEIPTS DUE TO INCREASING COMPETITION FROM MOTOR LORRIES.

57. *Mr. S. Satyamurti: Will Government be pleased to state:

- (a) whether they have considered the increasingly adverse effect on Railway receipts on account of increasing competition from motor lorries;
- (b) what steps they propose to take in the matter; and
- (c) whether they have considered or propose to consider the need and desirability of having a Special Officer-in-Charge of Railway revenues?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). I would refer the Honourable Member to the reply that Mr. P. R. Rau gave to Mr. Lalchand Navalrai's question No. 23 on the 5th February, 1935.

(c) The Honourable Member is no doubt aware that each railway has a commercial department of its own with an officer of considerable experience at its head. The Railway Board have also a Traffic Branch with a Director and two Deputy Directors. Till 1932, there was a Member of the Railway Board dealing with traffic questions, but the post was held in abeyance as a measure of retrenchment. The desirability of reviving this post in view of present conditions is at present engaging the attention of Government.

Mr. S. Satyamurti: May I take it that the last answer means that the question of having a special officer in charge of railway revenues is being considered?

The Honourable Sir Muhammad Zafrullah Khan: I have said that the question which is engaging the attention of Government is one of reviving the post in the Railway Board of a Member who would consider particularly the question of development of traffic.

Mr. S. Satyamurti: I am asking specifically whether they are considering or will consider the question of having a special officer whose job will be to keep a very careful watch on railway revenues, and suggest to the various railways and to the Government means of increasing the same?

The Honourable Sir Muhammad Zafrullah Khan: Means of increasing the development of traffic,—yes.

Mr. S. Satyamurti: With regard to (a) and (b), may I know if nothing has happened since February, 1935, to enable Government to give a fresh answer?

The Honourable Sir Muhammad Zafrullah Khan: I believe the Honourable Member for Industries and Labour gave some replies to the Honourable Member, who is now putting the question, on that subject only yesterday.

Mr. S. Satyamurti: Has anything been done to increase railway traffic, as opposed to motor lorry traffic, or at least to prevent a further fall in railway traffic?

The Honourable Sir Muhammad Zafrullah Khan: Railways are taking such measures as are open to them from time to time.

Mr. Lalchand Navalrai: May I know from the Honourable Member if this competition of the motor lorries is really affecting railway finances?

The Honourable Sir Muhammad Zafrullah Khan: It is affecting railway revenues.

RE-IMPOSITION OF EXCISE DUTY ON COTTON.

58. *Mr. S. Satyamurti: Will Government be pleased to state:

- (a) whether their attention has been drawn to the editorial of *Roy's Weekly* of the 12th August, 1935, entitled "Cotton Excise Duty";
- (b) whether there is any truth in the statement that Cotton Excise Duty is likely to be re-imposed; and
- (c) whether they are at all considering this matter; and if so, at what stage the matter stands?

The Honourable Sir James Grigg: (a) Yes, I read with great interest the periodical pronouncements, or perhaps I should say announcements, in regard to Government policy made by this highly imaginative journal.

(b) and (c). As I said on the 26th of September last in reply to Dr. Rajan's question No. 716, Government do not in matters of taxation announce their intentions in advance.

Mr. S. Satyamurti: May I take it that Government are considering this matter, along with other matters?

The Honourable Sir James Grigg: The Honourable Member must take what I have said and nothing more.

FISCAL AND FOREIGN TRADE POLICY OF INDIA.

59. *Mr. S. Satyamurti: Will Government be pleased to state:

- (a) whether their attention has been drawn to the paragraph under the heading "World of Indian Finance" of the 10th August 1935 in the *Indian Finance*, Calcutta;
- (b) whether they propose to re-examine the whole position with a view to recommending necessary changes in the Fiscal and Foreign Trade Policy of India; and
- (c) whether this House will be consulted in the matter before they come to any conclusions?

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

(b) The Government of India have examined the question and are of opinion that no change in their existing policy is necessary.

(c) Does not arise.

Mr. S. Satyamurti: When did they examine this?

The Honourable Sir Muhammad Zafrullah Khan: You want the exact date?

Mr. S. Satyamurti: Approximately.

The Honourable Sir Muhammad Zafrullah Khan: I cannot give the exact date.

HEARING OF MATRIMONIAL CASES CONCERNING EUROPEANS BY INDIAN JUDGES OF HIGH COURTS.

60. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) with reference to the accompanying editorial article† in the *Hindustan Times* of the 16th August, 1935, entitled "Indianise the Judiciary", whether it is a fact that Indian Judges of High Court are not allowed to hear matrimonial cases in which Europeans are concerned;
- (b) whether their attention has been drawn to Sir Lalgopal Mukherji's comment on that prohibition; and
- (c) whether they propose to take any action in the matter?

The Honourable Sir Henry Craik: (a) The Honourable Member is referred to Rule 2 of the Indian (Non-Domiciled Parties) Divorce Rules, 1927, from which he will see that the matter does not rest with Government. I may, however, inform him that Indian Judges have been included among the Judges appointed under that Rule.

- (b) Government have seen the article.
- (c) No.

AFFAIRS OF INDIANS IN ZANZIBAR.

61. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their attention has been drawn to the statement of Rev. C. F. Andrews, published in the *Hindustan Times*, dated the 12th August, 1935, from Bombay;
- (b) whether they have considered that part of the statement in which he says that the affairs of the Indians in Zanzibar was growing desperate every day; and
- (c) whether they are taking any steps in the matter?

Sir Girja Shankar Bajpai: (a) and (b). Yes.

(c) The attention of the Honourable Member is invited to the observations made by me on the 18th September, 1935, on Pandit Govind Ballabh Pant's Resolution on the subject. Since then the Report of the Agricultural Indebtedness Commission, appointed by the Government of Zanzibar, has been published, together with a memorandum summarising the views of the Government of Zanzibar, and on the 24th December, last, the Government of India received a deputation of Indians from Zanzibar. The question of the further representations to be made to His Majesty's Government to safeguard Indian interests is receiving attention.

† Sent to the Department concerned.

Mr. S. Satyamurti: May I know if Government realise the need for prompt action in the matter, and they will take very prompt steps to see that something is done definitely before very long?

Sir Girja Shankar Bajpai: I can assure my Honourable friend that the need for timely intervention is present to the mind of the Government of India, and if there has been a postponement of their representation to His Majesty's Government at all, it has been at the request of a very prominent and very representative Indian gentleman in Zanzibar who is shortly visiting this country.

RESERVATION OF THE KENYA HIGHLANDS FOR EUROPEAN SETTLERS.

62. ***Mr. S. Satyamurti:** At what stage does the representation of the Government of India in connection with the proposed exclusive reservation of the Kenya Highlands for Europeans stand?

Sir Girja Shankar Bajpai: If I should use an adjective, I should say "at a stationary stage".

Mr. S. Satyamurti: Have His Majesty's Government stayed their hands in respect of passing no Orders in Council on this matter?

Sir Girja Shankar Bajpai: I should think so. Otherwise we should have seen an Order in Council by now.

Mr. S. Satyamurti: Have the Government of India received any assurance that Orders in Council will not be passed till this Government have had their final say in the matter?

Sir Girja Shankar Bajpai: I explained the position, I think, when the adjournment motion of my friend came up for discussion last year. At that stage His Majesty's Government did assure the Government of India that no action would be taken until the views of the Government of India had been received and considered. After the discussion that took place here and on the lines of the statement that I made then, representations have been made to His Majesty's Government, and, so far as we are aware, His Majesty's Government have come to no decision yet.

Mr. S. Satyamurti: Have the Government of India heard in answer to their representations made after the debate in this House?

Sir Girja Shankar Bajpai: No.

PROTECTION OF THE LIVES OF INDIANS IN ABYSSINIA.

63. ***Mr. S. Satyamurti:** What steps have Government taken to protect the lives of Indians in Abyssinia?

Sir Aubrey Metcalfe: The Honourable Member is referred to the answer given on the 3rd September, 1935, to his short notice question on the same subject and also to the information supplied in reply to the supplementary questions of the same date.

Mr. M. Ananthasayanam Ayyangar: Have the Indians in Abyssinia been sent to a particular place and looked after there?

Sir Aubrey Metcalfe: Not so far as I am aware.

Mr. M. Ananthasayanam Ayyangar: Are then they distributed over the entire area?

Sir Aubrey Metcalfe: That I could not tell the Honourable Member without notice. I presume they are all in Addis Ababa, but I do not know.

Mr. M. Ananthasayanam Ayyangar: Are there any in the region where the war is taking place?

Sir Aubrey Metcalfe: I am not aware that there are any.

Mr. M. Ananthasayanam Ayyangar: Have Government assured themselves there are not any.

Sir Aubrey Metcalfe: If anybody is in the war area, I should think he would leave it as quickly as possible.

Mr. S. Satyamurti: Have Government taken such steps as can be taken to protect the lives of Indians?

Sir Aubrey Metcalfe: I do not think there would be any Indians in the war area, but adequate steps have certainly been taken to protect Indians who wish to carry on their occupations in areas not affected by the war.

STATEMENT OF THE HONOURABLE SIR MUHAMMAD ZAFRULLAH KHAN TO THE SOUTH INDIAN CHAMBER OF COMMERCE.

64. ***Mr. S. Satyamurti:** Will Government be pleased to state:

(a) whether their attention has been drawn to the accompanying leading article† in the *Hindu* of Madras on the Honourable Sir Zafrullah Khan's statement to the South Indian Chamber of Commerce during his recent visit to Madras;

(b) whether they are taking steps on the lines suggested in the leading article; and

(c) if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes. The summary of my views given in the article is, however, not quite accurate.

(b) and (c). The Honourable Member is referred to part (b) of my reply to his starred question No. 59.

TRADE AGREEMENTS WITH GERMANY, ETC.

65. ***Mr. S. Satyamurti:** Will Government be pleased to state:

(a) whether the position of the Government of India in respect of trade agreements with other countries is that which was

†Sent to the Department concerned.

stated by the Honourable the Commerce Member to the South Indian Chamber of Commerce at Madras on 8th August, 1935, namely, that "since the trade clearing agreement between the United Kingdom and Germany specified an equal amount of imports and exports and as the United Kingdom's capacity to German goods was limited, India could not claim for a share of the British quota of exports to Germany unless she undertook to take corresponding percentage of German imports into the United Kingdom.";

(b) if so, what are the reasons; and

(c) whether India is restricted to conclude her own trade agreement with Germany in the best interest of this country?

The Honourable Sir Muhammad Zafrullah Khan: (a) I made no such statement to the South Indian Chamber of Commerce. In this connection I would refer the Honourable Member to a press note published in the *Hindustan Times* of the 25th August last which explains what I actually stated to the Chamber.

(b) Does not arise.

(c) I regret I am unable to follow the question.

Mr. S. Satyamurti: There is a printing mistake here. "Restricted" should be "enabled". My question was,—after the agreement between Great Britain and Germany, is India free to conclude her own agreement with Germany?

The Honourable Sir Muhammad Zafrullah Khan: Yes.

PROTECTION OF THE INTERESTS OF INDIANS IN TRANSVAAL.

66. ***Mr. S. Satyamurti:** Will Government be pleased to state:

(a) whether their attention has been drawn to the accompanying leading article† entitled "Indians in Transvaal"; and

(b) whether they propose to take up and deal with the whole question comprehensively so as to protect the legitimate interests of Indians; if not, why not?

DUTIES AND RESPONSIBILITIES OF THE ARMY WHEN EMPLOYED IN AID OF CIVIL POWER.

67. ***Mr. S. Satyamurti:** Will Government be pleased to state:

(a) the reason why the Army Headquarters issued the recent pamphlets on duties and responsibilities of the Army when employed in aid of civil power in India;

(b) on what basis they maintain 181,000 troops;

(c) what part of it is being maintained for supporting civil power;

(d) on what basis they have come to the conclusion that both at Karachi and at Lahore the high standard of discipline among the troops and the principle of applying minimum force to achieve the object were obtained;

†For answer to this question, see answer to question No. 51.
‡Sent to the Department concerned.

- (e) whether any enquiry was held after the firing to justify the conclusion that no more than minimum force was used;
- (f) whether they propose in this country to have subsequent judicial enquiry in this matter after the Federation; and
- (g) if not, why not?

Mr. G. R. F. Tottenham: (a) No such pamphlets have been published. The Honourable Member is presumably referring to a number of articles on this subject which appeared in the press some months ago. These were based on information supplied to representatives of the press in response to enquiries.

(b) and (c). The attention of the Honourable Member is invited to pages 6 to 10 of the publication entitled "Some Facts and Figures about Indian Defence, 1935-36".

(d) On the evidence of the number of rounds fired and the manner in which fire was controlled.

(e) No.

(f) Government have no such proposal under consideration.

(g) Because it is quite unnecessary for the present Government to consider what the Federal Government should do in such cases.

Mr. S. Satyamurti: With regard to the answer to clause (c) of the question, I do not quite follow the Honourable Member. May I ask what part of this 181,000 is being maintained for supporting the civil power?

Mr. G. R. F. Tottenham: All the information on that point and on the point raised in part (b) is given in this pamphlet which was issued to all Members of the Assembly last year. It will take some time to read it, but I can give the main facts straightaway.

Mr. President (The Honourable Sir Abdur Rahim): Perhaps the Honourable Member would like to read the pamphlet himself.

Mr. S. Satyamurti: What is the answer to clause (e) of the question?

Mr. G. R. F. Tottenham: "No".

Mr. Satyamurti: On what basis have Government come to the conclusion referred to in clause (d) of the question? Has any inquiry been held?

Mr. G. R. F. Tottenham: I have already said "On the evidence of the number of the rounds fired and the manner in which fire was controlled".

CONTRIBUTION MADE BY EACH STATE MEMBER OF THE LEAGUE OF NATIONS, ETC.

68. ***Mr. S. Satyamurti:** Will Government be pleased to state, if necessary after obtaining the information from the authorities concerned:

- (a) the contribution made by each State Member of the League of Nations;

- (b) the total number of officials, and employees belonging to each nationality, that is a Member of the League, who work in different organs of the League, auxiliary organizations, International Labour Office and Court of International Justice; and
- (c) the total amount drawn as salary each year by the above officials and employees belonging to each nationality, that is a State Member of the League?

The Honourable Sir Nripendra Sircar: (a), (b) and (c). The Honourable Member is referred to pages 1012, 1025 to 1036, 1065 to 1073, 1088 and 1092 to 1121 of the League of Nations Official Journal 16th Year No. 10 of October 1935, a copy of which is in the Library.

Mr. S. Satyamurti: In view of the great disparity between the contribution made by India as a Member of the League of Nations and the number of officials and employees belonging to India employed therein and the total amount of salaries drawn by them, will Government take any steps to redress this great disparity?

The Honourable Sir Nripendra Sircar: I think, Sir, I have answered this question at least three times since I have been here.

Mr. S. Satyamurti: Have any steps been taken at all?

The Honourable Sir Nripendra Sircar: Whatever steps are possible have been taken, but, having regard to the situation at Geneva, it is not possible to have a proportionate number of Indians to discharge the kind of work which they are asked to do.

Mr. S. Satyamurti: May I ask what results have been achieved so far, as a result of the steps taken?

The Honourable Sir Nripendra Sircar: I think the answer on the last occasion—I speak from recollection—was that one additional man was taken, but I am not sure.

WORKING OF THE OTTAWA TRADE AGREEMENT.

69. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their attention has been drawn to a speech of Mr. W. D. M. Clarke, His Majesty's Trade Commissioner at Bombay, at the Rotary Club Luncheon on the 30th July, 1935;
- (b) whether they have examined the statements in that lecture; and
- (c) whether they have themselves examined the working of the Ottawa Pact and what their conclusions are?

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

(b) No.

(c) A report on the working of the Ottawa Trade Agreement for the year 1934-35 was laid on the table of the House during the last Simla Session. Government do not propose to offer an opinion on the results of the Agreement pending the discussion of the matter during the current Session.

Mr. S. Satyamurti: May I take it that that report by a special officer—Dr. Mathai—was by a special officer appointed by themselves?

The Honourable Sir Muhammad Zafrullah Khan: The report was by the Government of India.

Mr. S. Satyamurti: Do the Government of India make themselves responsible for the statements therein?

The Honourable Sir Muhammad Zafrullah Khan: I have not followed the question.

Mr. S. Satyamurti: Do the Government of India make themselves responsible for the contents of that report?

The Honourable Sir Muhammad Zafrullah Khan: Yes.

INDEBTEDNESS OF THE RYOTS IN THE CENTRALLY ADMINISTERED AREAS.

70. ***Mr. S. Satyamurti:** Will Government be pleased to state:

(a) whether they have considered the question of indebtedness of the ryots in the centrally administered areas, especially in Coorg; and

(b) whether they propose to make any legislation in the matter; if so, when; if not, why not?

Sir Girja Shankar Bajpai: (a) The question has been brought to the notice of local Administrations concerned. In Coorg the Economic Committee which was appointed last year has submitted its report and the proposals made by it are now under consideration by the Chief Commissioner.

(b) The Government of India do not propose to undertake legislation in the matter, as conditions in the various areas are by no means uniform.

Mr. President (The Honourable Sir Abdur Rahim): **Mr. Satyamurti.** Question No. 71.

Mr. S. Satyamurti: With regard to my starred question on the paper, No. 71†, about insurance and banking laws, I think, Sir, the Honourable the Law Member made an elaborate statement yesterday on company law and his proposals with regard to that.

71. ***Mr. S. Satyamurti:** Will Government be pleased to state:

(a) at what stage the proposals for amending the Company, Insurance and Banking Laws in this country stand;

(b) when they propose to introduce legislation on these subjects in the Assembly; and

(c) the reasons for the delay?

The Honourable Sir Nripendra Sircar: Then, is my Honourable friend's question confined to insurance and banking law? If so, I am told that there is a question, No. 88, relating to the same matter, and my Honourable colleague will answer that question No. 88.

Mr. S. Satyamurti: May I know whether the Honourable Member contemplates having any insurance legislation also incorporated in his proposed Bill to amend the Companies Act?

The Honourable Sir Nripendra Sircar: No, Sir. The insurance law will be a different Bill altogether.

Mr. S. Satyamurti: I will only ask about insurance law on this question.

The Honourable Sir Nripendra Sircar: I think I said yesterday that insurance laws have been held up along with company law because obviously the provisions of the latter or most of them will apply to insurance law, and until we know in what form company law is passed in this House, we are not in a position actively to take up insurance law; but we have received Mr. Sen's report and we are considering that report.

INCLUSION OF THE COMPANIES OF INDIGENOUS SHROFFS IN THE SCHEDULE OF BANKS UNDER THE RESERVE BANK.

72. ***Mr. S. Satyamurti:** Will Government be pleased to state:

(a) whether Government recognise the important part played by Companies of indigenous shroffs in internal trade and Banking;

(b) whether they have considered the desirability of including them in the Schedule of Banks under the Reserve Bank so that they may be given facilities;

(c) whether the Reserve Bank has been asked to report on the terms and conditions on which they can be so admitted; and

(d) whether the Reserve Bank has reported, and if not, the reasons for the delay?

The Honourable Sir James Grigg: (a) Yes.

(b), (c) and (d). The Honourable Member is referred to clause (a) of sub-section (1) of section 55 of the Reserve Bank of India Act, 1934, which states that it is a duty of the Reserve Bank to make a report in due course to the Governor General in Council as regards an extension of the Reserve Bank Act to persons and firms, not being scheduled banks, engaged in British India in the business of banking. The Bank's report has not yet been received, and Government have as yet no information as to when it will be received.

Mr. S. Satyamurti: Have the Government of India addressed the Reserve Bank and asked for their report?

The Honourable Sir James Grigg: I do not think that would be very reasonable. The section in question says:

"The Bank shall, at the earliest practicable date, and, in any case, within three years from the date on which this chapter comes into force, etc."

That mention of "three years" is an indication that to do it after the Bank has been going for less than a year would be a little rushing them.

PROTECTION TO GLASS INDUSTRY.

73. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether they have received any representation from the Secretary, Merchants Chambers, United Provinces, to reconsider their decision not to grant protection to glass industry;
- (b) whether they have considered the representation; and
- (c) what conclusions they have reached thereon?

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

(c) The Honourable Member's attention is directed to the reply given to his question No. 502 during the last Simla Session.

Mr. S. Satyamurti: May I take it that the Government of India have finally decided not to grant protection?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir; the case stands where it was.

Mr. M. Ananthasayanam Ayyangar: Is it not a fact that the Tariff Board in a unanimous report recommended that protection should be afforded to this industry?

The Honourable Sir Muhammad Zafrullah Khan: I have answered at least a score of questions on that subject. The report has been published, and the Honourable Member can find out for himself.

Mr. M. Ananthasayanam Ayyangar: On what further technical grounds have they refused protection?

The Honourable Sir Muhammad Zafrullah Khan: On the grounds explained in the Resolution; I read out the whole of that yesterday.

DEVELOPMENT OF INDIAN SHIPPING.

74. ***Mr. S. Satyamurti:** Will Government be pleased to state whether one of the most important principles recognised during the proceedings of the Shipping Conference, convened by Lord Irwin at Delhi, in 1930, was that the growth and increase in Indian shipping postulated an equivalent reduction in the non-Indian tonnage engaged in the coastal trade?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir.

Mr. S. Satyamurti: May I know if the Honourable Member's attention has been drawn to the following statement by Lord Irwin, who presided over this Conference:

"What is desired is to find, if possible, some measures, which would effect an increase, a definite increase, in the number of Indian ships and a revision of the conditions of their economic—if that is the right word—employment."

May I ask whether Lord Irwin said that or not?

The Honourable Sir Muhammad Zafrullah Khan: Yes.

Mr. S. Satyamurti: Then, Sir, may I know whether his attention has also been drawn to Lord Irwin's other statement that:

"The reasonable satisfaction of the Indian point of view is quite definitely for British lines to try if they think the case is a reasonably good one to assist Indian lines by being willing to sell and by being willing not to expand their tonnage, so as to undo the good they have done by permitting the other side to purchase?"

The Honourable Sir Muhammad Zafrullah Khan: That statement was also made.

Mr. S. Satyamurti: Then, why does the Honourable Member say no to my question?

The Honourable Sir Muhammad Zafrullah Khan: The question was whether this principle was recognized at that Conference. There were very important dissents to it from certain members of the Conference.

Mr. S. Satyamurti: May I know whether the Government of India at least accept the principles laid down by Lord Irwin, the then Viceroy and Governor General?

The Honourable Sir Muhammad Zafrullah Khan: That is the subject-matter of the Honourable Member's next question.

DEVELOPEMENT OF AN INDIAN MERCANTILE MARINE.

75. ***Mr. S. Satyamurti:** Will Government be pleased to state whether in the communiqué issued on the 6th January, 1930, they announced that it would be the responsibility of the Government of India themselves to see what steps they should take for the development of an Indian Mercantile Marine?

The Honourable Sir Muhammad Zafrullah Khan: Yes, Sir.

Mr. S. Satyamurti: May I know what Government have done to discharge those responsibilities?

The Honourable Sir Muhammad Zafrullah Khan: On the administrative side, we have successfully placed the first two batches of the "Dufferin" boys in various shipping concerns; we have Indianised the Bengal Pilot Service; and we have started the scheme for training Engineer Officers for Mercantile Marine on the "Dufferin". And largely owing to the good

offices of the Commerce Member during this period, the Conference Agreement of 1923 under which the Scindia was limited to a tonnage of about 60,000 tons and was excluded from the passenger trade, has been replaced by another agreement under which they will be able to increase their fleet to 100,000 tons, and have been admitted into the passenger trade on the Indian Coast. Also in the same way, the small Steamship Companies by the award made by the Commerce Member last February, have been given a recognized share in the west coast trade and a considerable step forward has been thus made in the prevention of rate wars.

DEVELOPMENT OF INDIAN SHIPPING.

76. ***Mr. S. Satyamurti:** (a) Will Government be pleased to state whether it is not a fact that the British India Steam Navigation Company, Ltd., or the P. & O. Group have recently acquired a controlling interest in the Asiatic Steam Navigation Co., Ltd.?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether it is in consonance with the principle which they advocated at the Shipping Conference in 1930?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government are aware that allegations to this effect have been made, but they are not in a position to confirm their correctness.

(b) I am not aware that any such arrangement would be contrary to any principle advocated by Government at the Shipping Conference in 1930.

Mr. S. Satyamurti: May I know if Government will make inquiries and find out whether this allegation is correct, viz., that the British India Steam Navigation Company and the P. & O. have recently acquired a controlling interest in the Asiatic Steam Navigation Company?

The Honourable Sir Muhammad Zafrullah Khan: How are the Government to find that out?

Mr. S. Satyamurti: By addressing the Companies.

The Honourable Sir Muhammad Zafrullah Khan: The Companies are not bound to answer.

TRIPARTITE AGREEMENT BETWEEN THE BRITISH INDIA, THE SCINDIA AND THE ASIATIC SHIPPING COMPANIES.

77. ***Mr. S. Satyamurti:** (a) Will Government be pleased to state whether the recent Tripartite Agreement between the British India, the Scindia and the Asiatic Companies was made under the auspices of the Honourable the Commerce Member?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether the making of the Tripartite Agreement was on the understanding that the British India, the Asiatic and the Scindia Companies were separate and distinct shipping companies employed in the coastal trade?

(c) If the answer to part (b) be in the affirmative, will Government be pleased to state whether it is not a fact that under the said agreement a certain proportion of the coastal traffic was assigned individually to:

- (1) The British India Co.,
- (2) The Scindia Co., and
- (3) The Asiatic Co.?

(d) If the answer to part (c) be in the affirmative, will Government be pleased to state whether with the controlling interest in the Asiatic now acquired by the British India or the P. & O. Group and in spite of the outward appearance of the steamers being continued to run under the name of the Asiatic Co., it is not the fact that the proportion of traffic of the British India in the coastal trade has now in effect actually increased beyond the proportion stipulated and agreed to under the Tripartite Agreement?

(e) Will Government be further pleased to state what action they propose to take in regard to such an independent arrangement?

The Honourable Sir Muhammad Zafrullah Khan: (a) No.

(b) to (e). Do not arise.

DEVELOPMENT OF INDIAN SHIPPING.

78. ***Mr. S. Satyamurti:** (a) Will Government be pleased to state if during the course of the Award, which the Honourable the Commerce Member gave in January, 1935, while settling the outstanding questions between the Conference Lines and the small Steamship Companies on the West Coast of India, it was decided that none of the Conference Lines should acquire or take a financial interest in these small Steamship Companies?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether they have viewed favourably the action of a British Shipping Company, viz., the British India or the P. & O. Group, in acquiring a controlling interest in another British Shipping Company, viz., the Asiatic Company? Was this right denied to an Indian Shipping Company?

(c) If the answers to parts (a) and (b) be in the affirmative, does this not lead to the non-Indian tonnage passing into the hands of a British Shipping Company and instead of reducing British-owned tonnage on the Coast actually increasing it?

The Honourable Sir Muhammad Zafrullah Khan: (a) It is true that one of the terms of the Honourable Sir Joseph Bhore's Award was directed to preventing the acquisition of any financial interest in the Small Steamship Companies by any member of the Conference Lines. The main object of the Award was to allocate the West Coast Trade between the Smaller Steamship Companies and the Conference Lines, which latter include both Indian and British shipping interests, and it is obvious that the object of such an award would be frustrated if any of the Conference Lines were permitted to acquire interests in the Smaller Steamship Companies.

(b) The Award in no way concerned itself with the relations of the Conference Lines *inter se*, and would, therefore, not be affected by any such arrangement as that mentioned by the Honourable Member if it had taken place. So far as the Award is concerned, the acquisition of an interest in the Asiatic Company would be just as much open to the Indian Company as to the British India Co.

(c) Government are unable to see how any kind of amalgamation between two British firms, both already operating on the coast, would of itself operate either to reduce or increase the total of British tonnage.

Mr. S. Satyamurti: With reference to part (b), may I know what is the specific answer to the latter part? Was this right denied to the Indian shipping company?

The Honourable Sir Muhammad Zafrullah Khan: It was at perfect liberty to acquire an interest in the Asiatic company.

Mr. S. Satyamurti: Was the Indian company offered the right to purchase the Asiatic company?

The Honourable Sir Muhammad Zafrullah Khan: Does the Honourable Member mean by the Commerce Member?

Mr. S. Satyamurti: Were facilities provided for the purchase?

The Honourable Sir Muhammad Zafrullah Khan: I do not understand the question. Does the Honourable Member mean that in the Award made by the Commerce Member was any arrangement made by which the Indian company could purchase the Asiatic company?

Mr. S. Satyamurti: Were facilities provided for such purchase by the Government of India as was recommended by the Indian Mercantile Marine Committee and as was urged at the Shipping Conference in 1930?

The Honourable Sir Muhammad Zafrullah Khan: No facilities were provided by the Government of India to any of the companies to acquire an interest in the smaller steamship companies.

Mr. S. Satyamurti: Were facilities given to the Indian company?

The Honourable Sir Muhammad Zafrullah Khan: Does the Honourable Member mean if the Asiatic company were willing to sell, did they make an offer first to the Indian company?

Mr. S. Satyamurti: Yes.

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

REDUCTION OF FARE FOR DECK PASSENGERS BETWEEN CALCUTTA AND RANGOON.

79. ***Pandit Lakshmi Kanta Maitra:** (a) Will Government be pleased to state if it is a fact that the pre-war level of fare for deck-passengers from Calcutta to Rangoon was Rs. 10 only?

(b) Is it a fact that the fare was increased to Rs. 14, plus terminal tax of Rs. 2, by the British India Steam Navigation Company, Ltd., during the war and since then, holding the monopoly, the rates have been kept the same, in spite of popular representations and world-wide economic depression?

(c) Is it not a fact that rates for cargo have been reduced on account of trade depression?

(d) Are Government aware that the Managing Committee of the Burma Chamber of Commerce in their letter of the 19th September, 1933, requested the British India Steam Navigation Company, Ltd., to reduce the deck-fares to the pre-war level of Rs. 10?

(e) Are Government also aware that the Passenger Service League of Rangoon, under the mandate of a meeting held on the 17th March, 1935, urged upon all the steamship companies, sailing from Rangoon, to reduce their fares for deck-passengers to pre-war level?

(f) Is it not a fact that the Agarwala Steam Navigation Company of Rangoon first started with Rs. 14 for deck-passengers from Rangoon to Calcutta?

(g) Are Government aware that they reduced the fare to the pre-war level of Rs. 10 at the request contained in the Passenger Service League resolution, dated the 17th March, 1935, circulated to all the Companies?

(h) Are Government aware that the British India Steam Navigation Company, Ltd., reduced their rates for deck-passengers from Calcutta to Rangoon first to Rs. 10, then to Rs. 8 and then to Rs. 6 only, and that too, only for the particular trips to compete with the Agarwala Company?

(i) Are Government aware that the British India Steam Navigation Company, Ltd., increased their rates to the former level as soon as the Agarwala Company ceased to operate?

(j) Are Government aware that the newly started 'New India Steam Navigation Company, Ltd.' plying between Calcutta and Rangoon, was requested by the Passenger Service League, Rangoon, at a largely attended meeting held at the Aryasamaj Hall to reduce the rate for deck-passengers to the pre-war level of Rs. 10?

(k) Will Government be pleased to state what assurances Sir Joseph Bore—the then Commerce Member—had given as to the prevention of such rate-cutting when Mr. Haji's Coastal Bill was dropped?

(l) Are Government prepared to fix up an economic level for such rates, in view of the unhealthy competition resorted to by older companies? If so, when and how? If not, why not?

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

(b) Government are aware that there was a general increase in fares after the Great War, the rate in 1921 being Rs. 13 and later Rs. 14. The terminal tax of Rs. 2 is levied under section 69 of the Rangoon Development Trust Act, and has nothing to do with the fares charged by the shipping companies.

(c) It is true that there has been a general reduction in freights during the last few years, and doubtless trade depression has been one of the contributory causes.

(d) Government are not so aware, but they understand that such a letter was sent by the Burma Indian Chamber of Commerce.

(e) Government have received a communication to this effect from the Passenger Service League.

(f) Yes, according to the information supplied by the Aggarwal Company to Government.

(g) and (h). Government are aware that the Aggarwal Company first reduced their fares, and only complained to Government when further reductions were made by the British India Steam Navigation Company. The attention of the Honourable Member is in this connection invited to the reply given to starred questions Nos. 200 and 225 asked by Mr. Satyamurti on the 9th September, 1935, regarding the competition between the two companies.

(i) Government understand that on the cessation of the competition started by the Aggarwal Company with a reduced fare, the rate reverted to the original level, but that it has since then again been reduced.

(j) Government have no information in the matter.

(k) It is not clear to what assurances the Honourable Member is referring. At the time Mr. Haji's Bill for the reservation of the coastal traffic of India lapsed, Sir Joseph Bhore was not the Member in charge of the Commerce Department.

(l) As Government have stated on various occasions in the past they have no power to control ocean steamship fares and freights.

Mr. S. Satyamurti: In order to prevent this unhealthy competition, will Government take power by legislation to fix fares and freights at an economic level?

The Honourable Sir Muhammad Zafrullah Khan: I am unable to answer that question without notice.

Pandit Lakshmi Kanta Maitra: Am I to understand that Government are absolutely powerless to protect the indigenous Indian shipping companies from foreign competition?

The Honourable Sir Muhammad Zafrullah Khan: If a specific question with regard to the matter as to which protection is desired were put, I shall answer it. The question now put is too vague and general.

Pandit Lakshmi Kanta Maitra: Does not the Honourable Member realise that these nascent shipping companies are throttled out of existence by the bigger companies and does the Honourable Member mean to say that the Government are absolutely powerless to protect them?

The Honourable Sir Muhammad Zafrullah Khan: There are a good many assumptions in that question.

Mr. Lalchand Navalrai: With reference to part (d), may I know whether the Government advised reduction to the pre-war level?

The Honourable Sir Muhammad Zafrullah Khan: Not that I am aware of.

Mr. Lalchand Navalrai: Do Government propose to advise the com-

The Honourable Sir Muhammad Zafrullah Khan: I should not think so.

Mr. Lalchand Navalrai: What are the reasons for not thinking so?

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

TERMS OF CONTRACT FOR CARRIAGE OF MAILS BETWEEN CALCUTTA AND RANGOON.

80. ***Pandit Lakshmi Kanta Maitra:** (a) Will Government be pleased to state the terms of contract, for the present, for carrying mails between Calcutta and Rangoon?

(b) Who are the carriers now and how long have they been carrying mail?

(c) What are the rates given to the carriers and what duties are they to perform?

(d) When will the present contract expire?

(e) Do Government propose to place the contract with any company with Indian capital and management who may be agreeable to fulfil the conditions laid down by the department for carrying the mails between Calcutta and Rangoon? If not, why not?

The Honourable Sir Frank Noyce: (a) The Honourable Member's attention is invited to the terms of the existing agreement with the British India Steam Navigation Company, a copy of which is in the Library of the House. This agreement was due to expire on the 31st January, 1934; but for the reasons stated in the reply given to Mr. K. C. Neogy's starred question No. 309 in this House on the 2nd March, 1934, the agreement was extended for two years with effect from the 1st February, 1934. In view, however, of the expected air mail developments in 1937 in connection with the Empire Air Mail Scheme and in view of the impending separation of Burma from India, both of which may require the modification of the existing sea services, arrangements have been made by negotiation for a further extension of the present agreement for a short period of 14 months only with effect from the 1st February, 1936, involving no increase in the subsidy.

(b) The British India Steam Navigation Company are the carriers at present. The exact date from which they have been carrying mails is not readily available but the records show that mails were being carried by the Company from before 1867. The present agreement commenced from 1st February, 1934.

(c) The Honourable Member is referred to the terms of the agreement, a copy of which is in the Library of the House.

(d) The present extended contract will expire on the 31st March, 1937.

(e) In view of the rapid development of communications along this route, it is difficult to say what may happen in 1937. But I can assure the Honourable Member that if any long period contract for the carriage of mails by sea between Calcutta and Rangoon is entered into, then the claims of Indian shipping companies will be fully considered.

Mr. Sami Vencatachelam Chetty: Are Government going to increase the number of sea mail services between Calcutta and Rangoon?

The Honourable Sir Frank Noyce: It is not a matter of Government increasing them. Government cannot increase the number of services. They can only take advantage of the ones that exist. I do not quite follow what the Honourable Member wants.

Mr. Sami Vencatachelam Ohetty: I am asking if Government are going to increase the postal mail services between Calcutta and Rangoon?

The Honourable Sir Frank Noyce: No, Sir.

Mr. S. Satyamurti: With reference to part (c), may I know on what principles these rates to the carriers are fixed? On economic principles or monopoly rates?

The Honourable Sir Frank Noyce: Obviously fair rates.

PROMOTION OF FIREMEN ON THE NORTH WESTERN RAILWAY.

81. ***Pandit Lakshmi Kanta Maitra:** (a) Will Government please state whether it is a fact that boy firemen and firemen, grade III, on the North Western Railway, who were appointed in 1923, and after, have not been promoted to the next grade as shunters in spite of occurrence of normal vacancies and in accordance with Loco. Superintendent's Circular No. 60/21/1/5458, dated the 6th March, 1923, page 8, and Agent's subsequent circular letter No. 746-E./D., dated the 19th/21st March, 1925? If so, why?

(b) Is it a fact that boy firemen and firemen, class IV, who were appointed in 1923, and after, have been promoted to shunters' and drivers' posts on the North Western Railway in accordance with the orders contained in the circulars cited in part (a) above? If so, how many of them are Europeans, Anglo-Indians and Indians?

The Honourable Sir Muhammad Zafrullah Khan: With your permission, Sir, I propose to reply to questions Nos. 81 to 84, 86 and 87 together.

Government have no information. These are matters of detailed administration for the Agent, North Western Railway, to whom copies of these questions have been sent for such action as he may consider necessary.

PROMOTION OF SHUNTERS ON THE NORTH WESTERN RAILWAY.

†82. ***Pandit Lakshmi Kanta Maitra:** (a) Is it a fact that no one from grade III, Loco. Running Staff on the North Western Railway, has been promoted from shunters to drivers as yet, in spite of occurrence of normal vacancies? Is this not contrary to the circulars and rules in force?

(b) If the answer to part (a) above be in the affirmative, will Government please state how many of the Indians, Europeans and Anglo-Indians were deprived of their promotions?

(c) Is it a fact that all of those who have been kept back are mostly Indians?

†For answer to this question, see answer to question No. 81.

PROMOTION OF FIREMEN AND SHUNTERS ON THE NORTH WESTERN RAILWAY.

†83. ***Pandit Lakshmi Kanta Maitra:** (a) Is it a fact that grade IV boy firemen, firemen and shunters on the North Western Railway, are automatically promoted under an agreement, irrespective of occurrence of vacancies?

(b) If the answer to part (a) be in the affirmative, why were they promoted against the vacancies of grade III, vide Agent's letter No. 755/E/157-11, dated the 7th November, 1934, thus putting a dead-lock to the future promotion of grade III men?

(c) Are Government aware of the facts that all the grade IV men (on the North Western Railway) who were promoted were either Europeans or Anglo-Indians, and all the grade III men against whose vacancies they were promoted are mostly Indians?

PROMOTION OF DEMOTED LOCO. RUNNING STAFF ON THE NORTH WESTERN RAILWAY.

†84. ***Pandit Lakshmi Kanta Maitra:** Is it a fact that all the demoted hands of different grades on the North Western Railway have since been promoted with the exception of grade III Loco. Running Staff? Is it a fact that there were vacancies and if so, why were these men not promoted?

PROMOTIONS TO THE POSTS OF LOCO. INSPECTOR, LOCO. FOREMAN AND ASSISTANT FOREMAN ON THE NORTH WESTERN RAILWAY.

85. ***Pandit Lakshmi Kanta Maitra:** Will Government please state how many Indians and how many Europeans and Anglo-Indians have upto now been promoted to the posts of Loco. Inspector, Loco. Foreman and Assistant Foreman, on the North Western Railway, from grade III and grade IV?

The Honourable Sir Muhammad Zafrullah Khan: I am placing a statement giving the required information on the table of the House.

Statement showing the number of Loco. Inspectors, Loco. Foremen and Assistant Foremen, by communities, now serving on the North Western Railway, who have been promoted from Drivers, Grades III and IV.

* Category.	Anglo-Indian.	European.	Indian.	Remarks.
Loco. Inspector, Grade III (675—25—700)	1	..	..	
" " Grade II (575—25—650)	1	3	..	
" " Grade I (425—25—550)	9	10	..	
Shed Foremen, Grade IV (675—25—700)	..	3	..	
" " Grade III (575—25—650)	1	..	..	
" " Grade II (500—25—550)	2	5	..	
Foremen, Grade I (425—25—475)	3	7	..	

†For answer to this question, see answer to question No. 81.

SUPERSESSIONS OF LOCO. RUNNING STAFF ON THE NORTH WESTERN RAILWAY.

†86. *Pandit Lakshmi Kanta Maitra: Are Government aware of the facts that there is no difference of academical and technical qualifications between grade IV and grade III Loco. Running Staff over the North Western Railway, and incumbents in grade III senior in service and having more driving service and experience, are being superseded for driving mails and passenger trains by the less experienced grade IV incumbents who have learnt their work from the same individuals and have worked as firemen under them, i.e., grade III drivers?

GRIEVANCES OF THE LOCO. RUNNING STAFF ON THE NORTH WESTERN RAILWAY.

†87. *Pandit Lakshmi Kanta Maitra: Is it a fact that grade III employees of Loco. Running Staff on the North Western Railway, submitted memorials after memorials regarding their grievances and no action has been taken by the North Western Railway administration, and if not, why not?

ENACTMENT OF A BANKING ACT.

88. *Mr. S. Satyamurti: Will Government be pleased to state:

- (a) whether they are now considering the enactment of a Banking Act, as recommended by the Central Banking Enquiry Committee;
- (b) at what stage the matter stands; and
- (c) when it is expected the Bill will be introduced in the Legislative Assembly?

The Honourable Sir James Grigg: It is the intention that sections on Banking Law should become part of Company Law. As the Honourable the Law Member stated yesterday, Government intend to introduce legislation to amend the present Companies Act this Session.

Mr. S. Satyamurti: May I take it, therefore, that a separate Banking Act will not be introduced, but will form part of the Companies Act?

The Honourable Sir James Grigg: That is the intention.

FUNCTIONS OF THE INDUSTRIAL INTELLIGENCE AND RESEARCH BUREAU OF THE INDIAN STORES DEPARTMENT.

89. *Mr. S. Satyamurti: Will Government be pleased to state:

- (a) what the functions of the Industrial Intelligence and Research Bureau of the Indian Stores Department are;
- (b) the staff and the monthly cost thereon; and
- (c) how much work they have done so far?

The Honourable Sir Frank Noyce: (a) The attention of the Honourable Member is invited to page 8 of Bulletin of Indian Industries and Labour, No. 52, a copy of which is in the Library of the House.

† For answer to this question, see answer to question No. 81.

(b) The staff of the Bureau, including the Research Branch at the Government Test House, Alipore, consists of four gazetted officers, 15 technical subordinates, 20 clerks and 13 inferior servants and is estimated to cost Rs. 10,000 a month. The cost of the staff actually employed at present is about Rs. 8,000 a month.

(c) The attention of the Honourable Member is invited to the proceedings of the first session of the Advisory Council for Industrial Intelligence and Research held in July, 1935, a copy of which is in the Library of the House. The recommendations made by the Council are being actively pursued.

Mr. S. Satyamurti: Are Government satisfied that they are getting value for the money they are spending on this Department?

The Honourable Sir Frank Noyce: Yes, Sir; I think I could convince my Honourable friend if he were to give me a chance of talking to him about this that we are getting excellent value for this money.

Mr. N. M. Joshi: May I know whether this Bureau and Industrial Council consider labour matters at all?

The Honourable Sir Frank Noyce: No, Sir; it is a Bureau of Intelligence and Research. (Laughter.)

MOTIONS FOR ADJOURNMENT.

CONDITION OF THE HANDLOOM WEAVERS OF SALEM IN THE MADRAS PRESIDENCY.

Mr. President (The Honourable Sir Abdur Rahim): I have received 12 Noon. a notice from Mr. M. Ananthasayanam Ayyangar that he wishes to move the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the throwing out of employment of nearly two lakhs of handloom weavers of Salem in the Madras Presidency by there being no demand for the saris that they have been manufacturing from time immemorial owing to the importation, dyeing and printing of Japanese gadas known as shirtings and their sale in the market for abnormally low prices and the consequent starvation of hundreds of families of Devangas, Sourashtras and other weaving classes.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadian Rural): Sir, I do not propose to move it.

INTERFERENCE BY LOCAL GOVERNMENTS WITH THE CONGRESS GOLDEN JUBILEE CELEBRATIONS.

Mr. President (The Honourable Sir Abdur Rahim): The next motion stands in the name of Mr. Akhil Chandra Datta who wants to discuss the Government of India's failure to take proper steps to prevent interference by the Local Governments with the Congress Golden Jubilee celebrations.

[Mr. President.]

I have to inform the House, however, that His Excellency the Viceroy and Governor General, in the exercise of his powers under sub-rule (2) of rule 22 of the Indian Legislative Rules, has disallowed this motion on the ground that the motion relates to a matter which is not primarily the concern of the Governor General in Council.

The next motion of adjournment stands in the name of Mr. Basanta Kumar Das who, I understand, is not present in the House. So that motion fails.

HUNGER-STRIKE BY JOGESH CHANDRA CHATTERJI, A KAKORI CONSPIRACY CASE PRISONER.

Mr. President (The Honourable Sir Abdur Rahim): The next motion is in the name of Mr. Mohan Lal Saksena who wants to discuss the failure of Government to meet the demands of Sriji Jogesh Chandra Chatterji, a Kakori case prisoner on hunger strike, as regards the treatment of political prisoners in India. His Excellency the Governor General, however, under sub-rule (2) of rule 22 of the Indian Legislative Rules, has disallowed the motion on the ground that the motion relates to a matter which is not primarily the concern of the Governor General in Council.

COMPULSORY OBSERVANCE OF HARTAL IN NEW DELHI ON THE 28TH JANUARY, 1936.

Mr. President (The Honourable Sir Abdur Rahim): The next motion for adjournment is in the name of Pandit Nilakantha Das who wants to discuss the failure on the part of the Government of India to bring to the notice of His Majesty's Government the undesirability of declaring *Hartal* and stopping all business on the 28th January last, a day of one of the most important Hindu festivals, i.e., *Basant Panchami* and the *Saraswati Puja*, and specially the compulsory observance of *Hartal* in New Delhi under police surveillance.

I want to know what exactly are the facts on which the Honourable Member wants to move this motion. Was the *Hartal* declared by the Government of India?

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): There was a *Hartal* in New Delhi and many other places in India.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member got any orders of the Government of India to that effect?

Pandit Nilakantha Das: I do not know whether there were any direct orders to the police, but the police were doing it.

Mr. President (The Honourable Sir Abdur Rahim): Surely when allegations of that sort are made, they must be based on some order of Government.

Pandit Nilakantha Das: I do not have the order with me now, but there was a communiqué that there should be no business in New Delhi.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member got that communiqué?

Pandit Nilakantha Das: I think it was published in the Gazette and the Press.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member is not prepared to supply the necessary information, the Chair must disallow the motion. The motion is disallowed.

CONDITION OF THE HANDLOOM WEAVERS OF SALEM IN THE MADRAS PRESIDENCY.

Mr. President (The Honourable Sir Abdur Rahim): The next motion for adjournment is in the name of Mr. Ananthasayanam Ayyangar who wants to discuss the throwing out of employment of nearly two lakhs of handloom weavers in the district of Salem in the Madras Presidency, owing to the importation and sale of Japanese *gades* (longcloth) as *sarees*.

Mr. M. Ananthasayanam Ayyangar: Sir, I do not want to move it.

GOVERNMENT OF INDIA'S VIEWS ON THE QUESTION OF EXCLUDED AND PARTIALLY EXCLUDED AREAS TO THE SECRETARY OF STATE.

Mr. President (The Honourable Sir Abdur Rahim): The next motion stands in the name of Mr. Ram Narayan Singh who wants to discuss the failure on the part of the Government of India to consult public opinion and the Central Legislature before formulating their views on the question of excluded and partially excluded areas to the Secretary of State. I understand that the very first Resolution on the 11th February wishes to discuss this very subject. So this will anticipate the Resolution which has been put down for the 11th February, and, therefore, I think to come up for discussion.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): Sir, I am not anxious to move this adjournment motion, but I submit that to get a Resolution passed by the House is one thing and to censure Government for their offence is something different. (Laughter.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot be allowed to do that on this motion. The motion is disallowed.

SECURITY DEMANDED FROM THE ABHYUDAYA OF ALLAHABAD.

Mr. President (The Honourable Sir Abdur Rahim): The next motion stands in the name of Sardar Sant Singh who wants to discuss the demand of security from the newspaper *Abhyudaya* of Allahabad for verbatim reproduction of the speech of an Honourable Member of this Assembly from the authorised reports of the debates of the Assembly. I have to inform

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the House that His Excellency the Governor General, in the exercise of his power under sub-rule (2) of rule 22 of the Indian Legislative Rules, has disallowed this motion on the ground that the motion relates to a matter which is not primarily the concern of the Governor General in Council.

MESSAGE FROM H. E. THE GOVERNOR GENERAL.

Mr. President (The Honourable Sir Abdur Rahim): The following Message has been received from His Excellency the Governor General:

"In pursuance of the provisions of sub-section (3) of section 67-A of the Government of India Act, I hereby direct that the heads of expenditure specified in that sub-section shall be open to discussion by the Legislative Assembly when the budget is under consideration."

THE PARSI MARRIAGE AND DIVORCE BILL.

REPORT OF THE JOINT COMMITTEE LAID ON THE TABLE.

Secretary of the Assembly: Sir, I lay on the table the Report of the Joint Committee on the Bill to amend the law relating to marriage and divorce among Parsis.

AGREEMENT BETWEEN THE SECRETARY OF STATE FOR INDIA IN COUNCIL ACTING BY AND THROUGH THE GOVERNOR OF THE PUNJAB IN COUNCIL AND THE RESERVE BANK OF INDIA.

The Honourable Sir James Grigg (Finance Member): Sir, I lay on the table a copy of the Agreement between the Secretary of State for India in Council acting by and through the Governor of the Punjab in Council and the Reserve Bank of India.

Agreement.

An agreement made this second day of November 1935, between the Secretary of State for India in Council acting by and through the Governor of the Punjab in Council (hereinafter called "the Punjab Government") of the one part and the Reserve Bank of India (hereinafter called "the Bank") of the other part.

Whereas the Bank was constituted and incorporated and is regulated by the Reserve Bank of India Act, 1934 (being Act No. II of 1934) (hereinafter called "the Act").

And whereas by section 21 (2) of the said Act it is provided that each Local Government shall entrust the Bank on such conditions as may be agreed upon with the management of its public debt and with the issue of any new loans.

Now it is hereby mutually agreed and declared by and between the said parties hereto as follows, that is to say:

1. This agreement shall come into force on the execution of these presents.

AGREEMENT BETWEEN SECRETARY OF STATE AND RESERVE BANK OF INDIA.

2. The management of the public debt of, and the issue of new loans by, the Punjab Government and the performance of all the duties relating thereto respectively, including the collection and payment of interest and principal and the consolidation, division, conversion, cancellation and renewal of securities of the Punjab Government and keeping of all registers, books and accounts and the conduct of all correspondence incidental thereto shall be transacted by the Bank at all or any of its offices in Bombay, Calcutta and Madras, and at any of its offices, branches or agencies at which respectively, the administration of any portion or portions of the public debt is for the time being conducted or interest thereon is for the time being payable and the Bank shall also keep and maintain such registers books and accounts in respect of the said public debt as the Punjab Government may from time to time direct and shall audit all payments of such interest and act generally as agents in India for the Punjab Government in the management of the said public debt and shall conduct such agency subject to such orders and directions with regard to the general management thereof as may from time to time be given to the Bank by the Punjab Government.

3. As remuneration to the Bank for the management of the public debt as aforesaid the Bank shall be entitled to charge to the Punjab Government, half-yearly, a commission at the rate of Rs. 2,000 per crore, per annum, on the amount of the public debt as aforesaid at the close of the half-year for which the charge is made. In calculating this charge the following amounts shall be excluded from the amount of public debt, viz.:-

- (a) The amounts of loans discharged outstanding after one year from the date of a notice of discharge.
- (b) The amount of stock certificates for Rs. 50,000 and upwards held by the Punjab Government or by any officer or officers of that Government authorised in that behalf.

And in addition to the charge of Rs. 2,000 per crore per annum the Bank shall be entitled to charge to the Punjab Government such fixed sum as may from time to time be agreed upon between the parties on account of the stock certificates referred to in clause 3(b) hereof, and the Bank shall be also entitled to charge the public (but not the Punjab Government) all such fees and charges as are now or may hereafter from time to time be prescribed by the Governor General in Council under the powers conferred upon him by the Indian Securities Act, 1920, (Act No. X of 1920) for duplicate securities and for the renewal, consolidation, division or otherwise of all Government securities which the Bank issues.

4. The responsibility for all loss or damage to the Punjab Government which may result from any act or negligence or omission of the Bank in conducting the business of the public debt aforesaid or the payment of interest or discharge value thereon or the renewal, conversion, consolidation, subdivision or cancellation of any security of the Punjab Government shall rest with and be borne by the Bank, provided, however, that it shall not be incumbent on the Bank to verify signatures and endorsements on securities which *prima facie* appear to be in order and in the acceptance of which the Bank shall not be guilty of any negligence and in such cases no liability shall be incurred by the Bank in respect thereto.

5. This agreement may be determined by either party giving to the other party one year's notice in writing expiring on the 31st day of March in any year, such notice if given by or on behalf of the Punjab Government to be addressed to the Governor of the Bank and to be served by being left at the Head Office of the Bank and if given by the Bank to be served by leaving the same with or addressing the same by registered post to the Secretary to the Government of the Punjab in the Finance Department and immediately upon the expiration of such notice this agreement shall absolutely cease and determine save as to rights or liabilities acquired or incurred prior to such termination.

6. Nothing in this agreement shall operate to affect in any way the obligations imposed either on the Punjab Government or on the Bank by or under the Act or any subsequent amendment or amendments of the Act.

7. The Bank shall be entitled to perform all or any of the matters contained in this agreement through such agency or agencies as may be prescribed by the Act or any amendment thereof or as may be approved by the Punjab Government.

8. In the event of any dispute arising as to the terms and conditions of this agreement such disputes or any differences of opinion shall, in the event of the parties

hereto failing to reach an agreement, be referred to an officer to be nominated by the Governor General whose decision shall be final and binding as between the parties hereto.

In witness whereof Charles MacIvor Grant Ogilvie, Secretary to the Government of the Punjab in the Finance Department by the order and direction of the Governor of the Punjab in Council acting for and on behalf of the Secretary of State for India in Council has hereunto set his hand and the Reserve Bank of India has caused its Common Seal to be hereunto affixed the day and year first above written.

Signed by the abovenamed Charles MacIvor Grant Ogilvie, Secretary to the Government of the Punjab in the Finance Department by the order and direction of the Governor of the Punjab in Council acting for and on behalf of the Secretary of State for India in Council in the presence of

C. MACIVOR G. OGILVIE.

A. D. Grindal,
Deputy Secy. to Govt., Punjab,
Finance Department, Lahore.

The Common seal of the abovenamed Reserve Bank of India was hereunto affixed in the presence of Sir Sikander Hyat-Khan, K.B.E., a Deputy Governor and Sir Purshotamdas Thakurdas, Kt., C.I.E., M.B.E., and Framroz Edulji Dinshaw, Esquire: two of the Directors of the said Bank who in token thereof have hereunto signed their names in the presence of

S. HYAT-KHAN,
Dy. Governor.
PURSHOTAMDAS THAKURDAS,
F. E. DINSHAW,
Directors.

K. G. AMBEGAOKAR,
Secretary, Reserve Bank of India.

ELECTION OF A MEMBER TO THE STANDING COMMITTEE FOR ROADS.

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

"That this Assembly do proceed to the election, in such method as may be approved by the Honourable the President, of a Member to serve on the Standing Committee for Roads during the remainder of the financial year 1935-36, in place of the late Mr. Deep Narayan Singh."

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

"That this Assembly do proceed to the election, in such method as may be approved by the Honourable the President, of a Member to serve on the Standing Committee for Roads during the remainder of the financial year 1935-36, in place of the late Mr. Deep Narayan Singh."

The motion was adopted.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE DEPARTMENT OF INDUSTRIES AND LABOUR.

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects, other than 'Roads' and 'Posts and Telegraphs' dealt with in the Department of Industries and Labour."

ELECTION OF MEMBERS TO STANDING COMMITTEE FOR DEPARTMENT OF INDUSTRIES AND LABOUR. 203

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects, other than 'Roads' and 'Posts and Telegraphs' dealt with in the Department of Industries and Labour."

The motion was adopted.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE ON EMIGRATION.

Sir Girda Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, eight non-official Members to sit on the Standing Committee on Emigration."

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, eight non-official Members to sit on the Standing Committee on Emigration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform the Assembly that for the purpose of election of members to the Standing Committee on Roads, the Standing Committee for the Department of Industries and Labour and the Standing Committee on Emigration the Notice Office will be open to receive nominations upto 12 Noon on Friday, the 7th February, 1936. The elections, if necessary, for the Standing Committee on Roads and the Standing Committee for the Department of Industries and Labour will take place on the 10th February, while the election for the Standing Committee on Emigration will be held on the 12th February, 1936. The elections which will, as usual, be held in the Secretary's Room in the Council House between the hours of 10-30 A.M. and 1 P.M. will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE ITALIAN LOANS AND CREDITS PROHIBITION BILL.

The Honourable Sir James Grigg (Finance Member): Sir, I beg to move for leave to introduce a Bill to prohibit the making of certain loans and credits.

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

"That leave be granted to introduce a Bill to prohibit the making of certain loans and credits."

The motion was adopted.

The Honourable Sir James Grigg: Sir, I introduce the Bill.

THE PAYMENT OF WAGES BILL.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the Bill to regulate the payment of wages to certain classes of persons employed in industry, as reported by the Select Committee.

The Chair proposes in this case to deal with sub-clauses (4), (5) and (6) of clause 1 of the Bill first, as it finds that there are substantive amendments in the name of Mr. Joshi to these sub-clauses, and the Chair understands that upon the result of the debate and voting on these sub-clauses will depend as to whether some of the other amendments in the name of other Honourable Members are moved or not.

The question is:

"That clause 1 stand part of the Bill."

Mr. N. M. Joshi (Nominated Non-Official): Sir, I move:

"That for sub-clause (4) of clause 1 of the Bill, the following be substituted:

(4) It applies in the first instance to the payment of wages to persons employed—

(a) in any factory as defined by the Factories Act, 1934;

(b) on a tramway;

(c) on a dock, wharf or jetty within the limits of any port subject to the Indian Ports Act, 1908;

(d) on an inland steam-vessel;

(e) in any mine or quarry as defined in clause (f) of section 3 of the Indian Mines Act, 1923;

(f) in connection with operations for winning natural petroleum or natural gas;

(g) on any estate which is maintained for the purpose of growing cinchona, coffee, rubber, tea or sugar and on which on any one day in the preceding twelve months twenty or more persons have been employed;

(h) in any workshop or other establishment in which articles are produced, adapted or manufactured, with a view to their use, transport or sale and in which on any one day of the preceding twelve months, twenty or more persons have been employed;

(i) upon any railway by a railway administration or, either directly or through a sub-contractor, by a person fulfilling a contract with a railway administration."

Mr. President, the Select Committee which considered this Payment of Wages Bill made certain changes. I may call them improvements as regards the industries to which the Act should be applied. The Bill, as amended by the Select Committee, provides that the Bill should apply to factories as well as to those employed on Indian railways with certain powers of exemption given to the Governor General in Council. Sir, you know that this Bill deals with questions regarding the payment of wages. It tries to provide for prompt payment of wages—wages must be paid without unnecessary delay after they are earned or after they become due. Secondly, it provides for a maximum wage period—the employer must pay the wages of an employé for a certain period: the period must not be longer than a month. Then, the Bill also provides for regulation or deduction from the wages of an employé by the employer. This Bill is a Bill which in my humble judgment should be made applicable to all employées in all industries. There is legislation in Great Britain which is called the Truck Acts generally dealing with deductions from wages. These Acts are applicable to all classes of industrial workers in Great

Britain. There is no reason why the application of this measure should be restricted to a small class of workers. The only argument given so far is that if you make the Act applicable to all industries at once, it will be difficult for the Local Governments, upon which devolve the duty of enforcement of this legislation, to find money for the large expenditure involved: they will have to provide for the inspection of enforcement. It is quite true that if the Act is made applicable to all industries in the country at once, the Local Governments will have to provide for inspection and increase the expenditure. In my view if the Local Governments will increase expenditure for the provision of inspection of the enforcement of this legislation, they will be doing a great amount of good to the working classes of this country. But I realise that it is not very easy to get the Local Governments in this country to take large steps or strides in the matter of providing for the welfare of the working classes. I, therefore, propose, that although the extension of this measure will be justified to all industries still for the present the application of this measure should be limited to what I may call organized industries. I have, therefore, in my amendment suggested that the Act should be applied immediately to organized industries, such as tramways, steamships, docks, mines, plantations and larger workshops. The Bill itself provides that although the immediate application of this measure should be restricted to factories and railways, the Local Government should have power to apply this measure to most of the industries which are covered by my amendment. The power given to the Local Governments by clause 2 is wider so far as workshops and plantations go. That clause does not define plantations and workshops to which the Local Government should apply this measure. I am proposing a restricted application to plantations and workshops, namely, the measure should be applied to larger plantations employing 20 persons or more or larger workshops employing 20 persons and more. I feel that there should be no real difficulty in applying the measure to the industries which I have suggested. I have dealt with the question of expenditure which may fall upon the Local Governments. If the application of this measure is restricted to only organized industries, the increased expenditure for the inspection of enforcement of this measure will not be very large. As a matter of fact, in a large number of cases, there is already some kind of inspection provided by the Local Governments. Of course there is inspection for factories. Railways can very well afford to inspect the application of this Act—they have got some inspectors. Then there are mines inspectors. If the Bill is applied to mines there need not be any increased expenditure. So far as workshops go, today there is no inspection of workshops, but the Government of India is committed to introduce legislation for the regulation of the workshops and that will involve inspection. Therefore, there is nothing new in principle in my seeking to apply this measure to workshops which do not use power.

Similarly, there is some kind of medical and sanitary inspection of plantations. I, therefore, feel that when I ask this Legislature that the immediate application of this measure should be limited to the industries which are named in my amendment, I am not suggesting a very radical change involving much larger expenditure than is incurred at present. I feel that there is a good case for the application of this measure to the important industries which I have named in my amendment. Take, for example, the Royal Commission on Indian Labour said at

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page 121 that payment of wages should not be made on rest days. That is provided for in this Bill. If this measure is not applied to mines immediately, the recommendation of the Royal Commission will not be given effect to. Similarly, the Royal Commission suggested that the legislation regarding the periods of payment of wages such as monthly wages or fortnightly wages or weekly wages should be applied to industries like factories, mines, railways and plantations, and they propose that the application of this measure should be extended to other industries in course of time. So the Royal Commission recommended that so far as the wage periods are concerned, the legislation should apply immediately to factories, mines, railways and plantations. I, therefore, feel that there is a good deal of support for the amendment which I have put forward and I have no doubt that this Legislature which generally takes a very sympathetic view of the interests of the working classes will accept my amendment which I claim is a very modest one.

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

"That for sub-clause (4) of clause 1 of the Bill, the following be substituted:

(4) It applies in the first instance to the payment of wages to persons employed—

- (a) in any factory as defined by the Factories Act, 1934;
- (b) on a tramway;
- (c) on a dock, wharf or jetty within the limits of any port subject to the Indian Ports Act, 1908;
- (d) on an inland steam-vessel;
- (e) in any mine or quarry as defined in clause (f) of section 3 of the Indian Mines Act, 1923;
- (f) in connection with operations for winning natural petroleum or natural gas;
- (g) on any estate which is maintained for the purpose of growing cinchona, coffee, rubber, tea or sugar and on which on any one day in the preceding twelve months twenty or more persons have been employed;
- (h) in any workshop or other establishment in which articles are produced, adapted or manufactured, with a view to their use, transport or sale and in which on any one day of the preceding twelve months, twenty or more persons have been employed;
- (i) upon any railway by a railway administration or, either directly or through a sub-contractor, by a person fulfilling a contract with a railway administration."

Sir Muhammad Yamin Khan (Agra Division: Muhammadan, Rural):

Sir, I have nothing to say so far as the main amendment of my friend, Mr. Joshi, is concerned, but, because of the inclusion of one word in his amendment, I feel inclined to oppose it. I find that in sub-clause (g) relating to estates, he mentions the word "sugar". I think my friend is not aware of the fact that in the villages payments are not made every day or every month. In the United Provinces, all payments are made in kind at the time of the harvest.

Mr. N. M. Joshi: This applies to plantations only.

Sir Muhammad Yamin Khan: If this amendment is accepted, it will be a very great handicap to the entire sugar industry in my province. My

district is chiefly concerned with the sugar industry. We have a large number of sugar factories in the Meerut district, and I certainly think that the whole sugar industry will suffer if this amendment is accepted. My point is that, when speaking about other industries, my friend should not have included the sugar industry in his amendment. If he drops the word 'sugar' out of his amendment, I have nothing to say; but if he presses the point, then it will be my painful duty to oppose this amendment.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, in spite of the powerful support which has been lent to my friend, Mr. Joshi's amendment by a telegram I received this morning from the Race Horse Syces of Rangoon (Laughter), I regret I am compelled to oppose it. It was, I think, a year ago, Sir, when I moved the motion to refer this Bill to a Select Committee, that I pointed out that it was the only important item in the lengthy list of labour legislation which had been placed before the House as a result of the recommendations of the Whitley Commission which broke entirely new ground. On that, Sir, I must take my stand today. I cannot too strongly impress upon the House the fact that this legislation is of a purely experimental character. Since the Report of the Whitley Commission, we have brought several important Bills before this House,—a Bill to amend the Factories Act, a Bill to amend the Workmen's Compensation Act, a Bill to regulate labour on the Assam Tea Estates,—but in all these cases we had legislation before us, legislation which had been tried for many years. We could see what was wrong and we could take steps to put it right. Here we have nothing of the kind. We are, as I have said, breaking entirely new ground, or to vary the metaphor, we are sailing in uncharted and rather perilous seas. I do, therefore, appeal to the House to agree to our going slowly in this matter.

My Honourable friend, Mr. Joshi, never sees any difficulties in the way of getting what we want. He thinks that, by a stroke of the pen, we can comply with his desires. But there are difficulties, and let me point out, Sir, a few of them. My Honourable friend, Sir Muhammad Yamin Khan, has already mentioned one of them. The point is that it is quite impossible to extend the scope of this Bill to industries other than factories and railways without a careful examination of the merits of each case. Take steam vessels, for instance. The time allowed for payment of wages in factories may be, obviously will be, quite unsuitable for steam vessels. Take the conditions of plantations. My Honourable friend, Mr. Milligan, is better able than I am to explain to the House the difficulties there. But what I would urge is that it would be most unwise to extend the scope of this Bill at once to industries other than those which are at present included in clause 1(4) without the most careful examination by the Local Governments of the merits in each case. That is why the Act gives power to Local Governments to extend it after three months' notice. We take it that they will do so after they themselves are satisfied that it can be extended, and above all, after they have satisfied themselves that they have an efficient staff to carry out inspection. I do not think, my friend, Mr. Joshi's, what I may say somewhat slipshod, way of thinking could be better illustrated than by his statement that we have accepted the principle of regulating the smaller factories. He says: "You have accepted that in principle, why not, therefore, extend the Payment of Wages Bill to those factories?" What he is, in fact, asking us to do is to extend this Bill to

[Sir Frank Noyce.]

the smaller factories and workshops, of which there are probably thousands, before we have extended the Factories Act to them. I submit, that is entirely a wrong way of proceeding. Obviously, it is much more important that we should regulate the conditions of work in those factories than we should regulate the payment of wages to them, important as the latter is. Mr. Joshi is asking us to ask the Local Governments to use their factory staff, to divert it, in fact, from its proper object of looking after the conditions in factories, to the inspection of hundreds, if not thousands, of small factories and workshops to see that they are paying their wages promptly. Again, the need for extension has not yet been shown for some of the industries he has mentioned, such as mines, operations for winning natural petroleum or natural gas, tramways, and so on. I would again impress upon the House the need for proceeding cautiously. Let us try the provisions of the Bill in a limited field; let us try them in the field of organised industry, where, we know, abuses exist, before extending them on a wide scale, to other industries where, we know, abuses do not exist, to the same extent, or for which we have not the staff. For these reasons, Sir, I must most strongly oppose this amendment.

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

"That for sub-clause (4) of clause 1 of the Bill, the following be substituted:

(4) It applies in the first instance to the payment of wages to persons employed—

- (a) in any factory as defined by the Factories Act, 1934;
- (b) on a tramway;
- (c) on a dock, wharf or jetty within the limits of any port subject to the Indian Ports Act, 1908;
- (d) on an inland steam-vessel;
- (e) in any mine or quarry as defined in clause (f) of section 3 of the Indian Mines Act, 1923;
- (f) in connection with operations for winning natural petroleum or natural gas;
- (g) on any estate which is maintained for the purpose of growing cinchona, coffee, rubber, tea or sugar and on which on any one day in the preceding twelve months twenty or more persons have been employed;
- (h) in any workshop or other establishment in which articles are produced, adapted or manufactured, with a view to their use, transport or sale and in which on any one day of the preceding twelve months, twenty or more persons have been employed;
- (i) upon any railway by a railway administration or, either directly or through a sub-contractor, by a person fulfilling a contract with a railway administration."

The motion was negatived.

Mr. J. A. Milligan (Bengal: European): Sir, I beg to move:

"That in sub-clause (5) of clause 1 of the Bill, after the words 'or any of them' the words 'subject to such relaxation as may be specified in the notification' be inserted."

The reasons which led to the making of this amendment have been very well explained, if not exhaustively dealt with, by the Honourable Sir Frank Noyce in speaking on the previous amendment. Mr. Joshi gave the impression that the objection to the extension of this Bill immediately to all industries was the expense that would be involved to Local

Governments in supervision. That, Sir, is no doubt a consideration, but a very minor one. The Select Committee, when it framed this Bill, had no idea that such a proposal as Mr. Joshi's would be made and all along

Mr. N. M. Joshi: I made such a proposal in the Select Committee.

Mr. J. A. Milligan: The Bill was drafted to apply in the first instance to factories and railways, and extension to other industries was regarded as a consequence that would follow, not automatically, but as Local Governments considered it to be necessary. There are a number of provisions in this Bill which, if applied to certain industrial establishments, would take on an entirely different meaning from the meaning which they have when applied to a factory situated in a big city like Bombay or Calcutta. For example, clause 6 lays down, "All wages shall be paid in current coin or currency notes or in both". The idea of paying wages in kind in places like Bombay or Calcutta is no doubt unthinkable and is entirely unnecessary, but there are many places in India where the feeding of the workmen is not only a boon to them but is an absolutely essential part of the terms of their engagement, but as the Bill stands, such a contract would be illegal. My proposal is to give power to Local Governments when they extend this measure to other industries, to so modify particular terms in the Act, when this Bill becomes an Act, that the real objects, namely, the prompt payment of wages and the protection of wages from illegal deductions, will be achieved without the infliction of hardships which are not contemplated by the framers of the Bill. I, therefore, beg to move that the Local Governments be invested with this power of specifying such relaxation as it sees fit when it decides to extend the provisions of this measure to any industrial establishment. It must be remembered that this is helping the Local Governments to make free use of this measure. There are cases which I can readily imagine in which a Local Government, if such discretion is not allowed to it, would have to weigh up the disadvantages of extending this measure considering the hardships that certain provisions would cause against the advantages which it would confer, and it might sometimes decide that the disadvantages implied were greater than the advantages conferred. Sir, I move.

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

"That in sub-clause (5) of clause 1 of the Bill, after the words 'or any of them' the words 'subject to such relaxation as may be specified in the notification' be inserted."

Mr. N. M. Joshi: Sir, I oppose this amendment. My Honourable friend, Mr. Milligan, said that the Select Committee, the Government of India and we all did not take into consideration the difficulties of the industry which he represents. Only a minute ago, the Honourable Member in charge of Industries and Labour talked of my slipshod method of dealing with questions. But, Sir, here is an Honourable Member now who accuses the Government of India and the Select Committee of this Legislature of slipshod methods. The Government of India knew that this Bill was to be applied to the plantation industry by the Local Government. I am sure, the Government of India did

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consider the difficulties of the plantation industry. The Select Committee too considered the difficulties of the plantation industry and in that Select Committee we had a very able representative of that industry in the person of my Honourable friend, Mr. Milligan. Why should my Honourable friend now say that the difficulties of his industry were not considered by the Government and by the Select Committee and may not be considered by this House?

Mr. J. A. Milligan: Sir, I rise to a personal explanation. My memory may be at fault, but I do not think, in the course of my speech, I ever used the expression "plantation industry". I made no reference to any particular industry.

Mr. N. M. Joshi: Well, Sir, I do not remember now exactly what he said. But, somehow, in my mind Mr. Milligan is associated with the plantation industry. It may be very wrong on my part to do so. I, therefore, feel that it is wrong to say that the difficulties of the various industries were not taken into consideration. As a matter of fact, if there is any industry in this country which requires a legislation of this kind first, it is the industry which my Honourable friend, Mr. Milligan, represents, that is, the plantation industry. There are all sorts of deductions in that industry. They start with advances for recruiting, travelling, all sorts of advances, and all sorts of deductions are made.

Mr. J. A. Milligan: Sir, may I protest against such statements by Mr. Joshi which have no foundation in fact? Advances for recruiting are not recoverable advances.

Mr. N. M. Joshi: Advances for recruiting are not recoverable under this Bill. Therefore, this legislation is necessary. If this legislation is passed they won't be recovered.

Mr. J. A. Milligan: They are not now recoverable.

Mr. N. M. Joshi: I do not know about that. (Laughter.) This legislation prevents the recovery of those advances. Therefore, this Bill was more necessary for the plantation industry than for any other industry. What is the amendment of my Honourable friend? That the Local Governments should be given power to apply this measure to a particular industry, not as a whole, not even by sections, but they must have power to mutilate the sections. Already the Bill provides that the Local Government, if it thinks fit, should apply the whole of this Act to a particular industry. But if they do not want to apply the whole Act to a particular industry they can apply any sections of this measure to any industry. They need not apply the whole. They may apply only the sections regarding the prompt payment of wages or regarding the deduction of wages or regarding the fixing of the wage period. There is no obligation upon the Local Government to apply the whole Act. The power given to the Local Government therefore is so wide. Already the power about relaxation is given. Now, my Honourable friend is not satisfied with that. He wants that if a Local Government applies a particular section to his

industry, say, the plantation industry, the Local Government may change even that section as it likes. If, for instance, one of the sections of this Act provides that the wages must be paid, say, before 7 days or before 10 days, the Local Government may have power to extend that period of ten days to 15 days or 20 days or 50 days. That is what he is proposing. Is that the way in which the House will pass this legislation? I am quite sure, the House is not going to give this power to the Local Government.

Mr. V. V. Giri (Ganjam cum Vizagapatam: Non-Muhammadan Rural): I rise to support what has been said by Mr. Joshi with regard to this amendment. I strongly oppose the amendment for this reason, that if relaxations are allowed, I feel that no Bill is necessary to be placed before the Central Legislature. With regard to leaving the matter to the Local Governments, the Government of India can send them their views on the point whether a particular thing is good or bad. If relaxations are allowed, this Bill would not be worth the paper on which it is written. For these reasons, I oppose the amendment.

The Honourable Sir Frank Noyce: I have considerable sympathy with this amendment and I cannot help feeling that in their opposition to it Mr. Joshi and Mr. Giri are, perhaps, if I may say so, their own worst enemies. I do think there is some reason to believe there might be more rapid progress in the direction of extension of the provisions of the Act if relaxations were permitted. But I also see the danger that they have pointed out, the danger that if you leave the question of relaxation to Local Governments, the Act, when it is applied to industries other than those to which it is primarily applicable, will be extended in such an attenuated form as to be practically useless. It was for this reason that I agreed in the Select Committee to the omission of the words which Mr. Milligan now seeks to restore. I think on balance that it is better that the Act, when it is extended, should be extended either entirely or in part in the form in which it is passed by this House. For that reason, I regret that I must oppose Mr. Milligan's amendment.

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

"That in sub-clause (5) of clause 1 of the Bill, after the words 'or any of them' the words 'subject to such relaxation as may be specified in the notification' be inserted."

The motion was negatived.

Mr. G. Morgan (Bengal: European): Sir, I beg to move:

"That to sub-clause (5) of clause 1 of the Bill, the words 'with power to modify any particular sections in the case of Industrial Establishments referred to in sub-clauses (b) and (c) of clause (5) of section 2 of the Bill' be added."

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): On a point of order. I submit that this amendment is covered by the more comprehensive amendment moved by Mr. Milligan and just now rejected by this House. That amendment sought to give the Local Government the power to make any kind of relaxation. This amendment gives power to Local Governments to modify any particular sections in the case of certain industrial establishments.

Mr. President (The Honourable Sir Abdur Rahim): This has narrower scope.

Mr. S. Satyamurti: You will notice that sub-clause (5) of clause 1, which this amendment seeks to amend, reads like this:

"The Local Government may, after giving three months' notice of its intention of so doing, by notification in the local official Gazette, extend the provisions of the Act or any of them to the payment of wages to any class of persons employed in any industrial establishment or in any class or group of industrial establishments."

You will notice lower down the phrase 'industrial establishment' is defined. Therefore, sub-clause (5) of clause 1 is a clause which refers to the power of the Local Government to extend the entire Act or any provisions thereof to all the categories mentioned, and defined in clause 2 of the Bill and Mr. Morgan's amendment seeks to restrict the power of relaxation to certain classes of these establishments such as dock, wharf or jetty, inland steam vessel

Mr. President (The Honourable Sir Abdur Rahim): Which is the more comprehensive amendment?

Mr. S. Satyamurti: The second amendment on the Order Paper which the House rejected just now. I submit, therefore, that that vote covers the point sought to be introduced by the present amendment.

Mr. G. Morgan: My amendment is only dealing with sub-clauses (b) and (c). This is one of the cases which was referred to by the Honourable Member in charge when opposing Mr. Joshi's amendment. We know the difficulties that will be experienced unless an amendment of this kind is inserted in the Bill. It will be almost impossible to apply the Act to the various sections of industrial establishments without some modification. My amendment aims at a restriction of the relaxation. It is not a relaxation extending to the whole Bill. This is a definite point on which we feel strongly.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think that the amendment which has been moved by Mr. Morgan is barred by the vote of this House on the amendment moved by Mr. Milligan. The amendment now under consideration is of a more limited character in the sense that the relaxation contained in amendment No. 2 which he wanted the House to pass was of a general character, while the one which Mr. Morgan proposes would be confined only to certain classes of industries. The Chair, therefore, rules that the amendment is in order.

Mr. G. Morgan: Sir, I beg to move:

"That to sub-clause (5) of clause 1 of the Bill, the words 'with power to modify any particular sections in the case of Industrial Establishments referred to in sub-clauses (b) and (c) of clause (2) of section 2 of the Bill' be added."

Sir, I have nothing more to add to what I have already said, I move.

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

"That to sub-clause (5) of clause 1 of the Bill, the words 'with power to modify any particular sections in the case of Industrial Establishments referred to in sub-clauses (b) and (c) of clause (2) of section 2 of the Bill' be added."

Mr. F. B. Leach (Burma: European): Sir, may I say a few words in support of this amendment to explain why it has been moved for these two particular industries, especially with regard to clause (c) which refers to inland steamers. Sir, in the Province from which I come, Burma, inland steam-vessels are a very important industry and it would be in practice very difficult if not impossible to apply all the provisions of this Bill as it now stands to employees on those steamers, particularly with regard to the fixed wage-periods. Sir, some of these steamers leave Rangoon on the voyage to Mandalay and back, which takes something like three weeks. They leave on no regular dates each month; they may leave Rangoon perhaps on the first of the month and come back say on the 20th, stay a few days in Rangoon and leave again on the 25th and so on. Now the crews of these steamers do not wish to be paid on the seventh of the month or any other fixed day of the month, because that would involve in many cases their receiving their wages at some small station during the course of the voyage. They prefer to receive their wages at the end of the voyage, when they get back to their headquarters, because they have no place to keep the money on the steamer. Also it is quite impossible in practice for the company to arrange to pay them on a fixed day of the month. There is, to the best of my belief, only one station on the Irrawaddy between Rangoon and Mandalay where there is a responsible agent who could be trusted with the large sums of money which would be necessary to pay the wages of these crews, and in other stations there are little sub-agents who are nothing more than clerks, who could not do this work. Therefore, both from the point of view of the employer and from the point of view of the employee, any fixed wage-periods would be impossible in practice in this particular case. This is the kind of reason for which it is desired to give power to Local Governments to modify the Act in certain details before applying it to particular industries, and I can assure Mr. Joshi that there is no desire to mutilate the Act at all; our sole desire is to modify it in small points like this to make it practicable for the employers and also convenient to the employees.

Mr. N. M. Joshi: Mr. President, I am afraid I cannot support this amendment. So far, the speeches made in support of this amendment have referred to the difficulty of making payment on a particular day in the case of inland steam vessels, but not a single word has been said as regards the payment of wages or other matters as regards docks, wharves or jetties. If, Sir, there has been no difficulty felt at all in docks, they need not have put it in in the amendment. If it is a question of steam vessels only, it was wrong on their part to include docks, wharves or jetties.

An Honourable Member: Will you accept an amendment in those terms?

Mr. N. M. Joshi: I shall come to that. Then, the amendment in other respects also goes too far. If there is any difficulty in the payment of wages on steam vessels, then they should have put that particular section in their amendment and not 'any particular sections'. The amendment is:

"With power to modify any particular sections in the case of Industrial Establishments."

[Mr. N. M. Joshi.]

They do not mention any particular section at all. So it means:

"With power to modify any section, in the case of Industrial Establishments, of this measure."

If the Mover of the amendment had limited his amendment to the payment of wages on a particular day on steam vessels, I would have certainly considered his amendment and tried my best to meet it—not that I feel convinced that no other arrangement could be made; I think they can authorise the captains of ships to make the payment of wages, and if they have no confidence in them and if it is a question of paying wages on steam vessels on a particular day, I would certainly, Sir, have tried to meet their point, but as the amendment stands, I cannot support it, and I must oppose it.

The Honourable Sir Frank Noyce: Sir, I have very little to add to what I said with reference to the last amendment, except that I would point out that my Honourable friend who moved this amendment might have looked up his dictionary before he put it forward. The amendment proposes to give the Local Governments power to "modify" any particular section. Sir, there is a great difference between "modification" and "relaxation". Modification might mean "tightening up". The word is certainly a very double-edged weapon. As for what has fallen from my Honourable friends, Mr. Morgan and Mr. Leach, as I see it, what is going to happen is that, when we come to work the provisions of this Bill, we shall find that it requires various modifications; I wish I could believe that it is going to work so smoothly that no material modifications will be required for several years. I do not think that will happen. We shall find out whether and where the machinery creaks when we start operating it: and Local Governments will, I fear, in view of those creaks, hesitate before they extend the provisions of the Bill to the other industries to which it can be extended. By that time and in the light of experience my Honourable friend, Mr. Joshi, and my Honourable friends opposite may be more willing to agree to the Act being extended with relaxations. For the present, I think that the industries to which my Honourable friend, Mr. Morgan, and my Honourable friend, Mr. Leach, referred are protected to a very large extent by the fact that Local Governments have perfect discretion whether to extend the whole Act or any particular sections of it. There is another way of approaching the question. They could extend certain sections to certain industries and certain sections to other industries. I must once more appeal to the House to let us try the provisions of this Bill within its present scope before considering any large extension. Sir, I regret I must oppose the amendment.

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

"That to sub-clause (5) of clause 1 of the Bill, the words 'with power to modify any particular sections in the cases of Industrial Establishments referred to in sub-clauses (b) and (c) of clause (2) of section 2 of the Bill' be added."

The motion was negatived.

Mr. Ghansham Singh Gupta (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I beg to move:

"That after sub-clause (6) of clause 1 of the Bill, the following new sub-clause be inserted:

"(7) Nothing in this Act shall apply to persons employed or engaged in agriculture."

Sir, my amendment is a most innocent one and I do not think that there can be any opposition to this amendment. It is clear that the Bill is really designed to meet industrial establishments and not agriculture at all. But the wording is such that it can be construed to apply to ordinary agriculture. The Bill as framed is so designed as to suit only industrial concerns and not to ordinary agriculture which is mostly rural and many of those engaged in it are illiterate. I shall show presently how it can be interpreted to include ordinary agriculture. Sub-clause (5), clause 1, reads thus:

"The Local Government may, after giving three months' notice of its intention of so doing, by notification in the local official gazette, extend the provisions of the Act or any of them to the payment of wages to any class of persons employed in any industrial establishment or in any class or group of industrial establishments".

Now, Sir, the expression "industrial establishment" has been defined in sub-clause (ii) of clause 2 as "tramway, dock, wharf or jetty, inland steam vessel, mine, quarry or oil field, plantation". Therefore, industrial establishment means any plantation. Now, Sir, the word "plantation" has not been defined anywhere in this Act, nor do I suppose that it has been defined in any Act of a general nature. Therefore, we have to take its ordinary dictionary meaning and when we take the dictionary meaning, the word "plantation" can cover ordinary agriculture. Webster has defined "plantation" as act or practice of planting, a place planted, land cultivated as a cotton plantation. In the Encyclopaedia Britannica, plantation is defined literally as placing of plants in the ground, hence plants planted or a collection of grouping, particularly used of ground plantation with young trees. Not only that, the ordinary dictionary meaning of the word "plantation" can cover ordinary agriculture, but there are certain tenancy legislations in the provinces which also would include ordinary agriculture in this word "plantation". I know in the Central Provinces Tenancy Act of 1920 the word "agriculture" has been defined to include "planting" and upkeep of orchards.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member has much more to say, the Chair will adjourn the House now. The Honourable Member can resume 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. President (The Honourable Sir Abdur Rahim) in the Chair.

Mr. Ghansham Singh Gupta: Sir, what I was going to say is this: that the word "plantation" that now occurs in this Bill is likely to be misconstrued and misapplied to cases of pure and simple agriculture, and that position I want to avoid by my amendment. It is not only the ordinary dictionary meaning of the word "plantation" that brings within its orbit ordinary agriculture but that there are certain agricultural laws, tenancy laws in the provinces which also show that the word "plantation" can be interpreted to apply to it. For instance, in the Central Provinces Tenancy Act of 1920, the word "agriculture" has been defined and it includes planting and upkeep of orchards. The word "planting" occurs there. In

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the Bengal Tenancy Act also the word "plantation" occurs in section 160, and betel leaf cultivation has been held to be "plantation" within the meaning of section 160 of the Bengal Tenancy Act. Similarly in the Agra Tenancy Act the word "land" has been defined and it includes "land let or held for agricultural purposes or as *grove land*". So what I say is this that the word "plantation" that occurs in clause 2 of this Bill can be applied to pure and simple agriculture which is of course really beyond the scope of this Bill. This Bill is really intended to apply to industrial concerns only. When it was first introduced in 1933 the Bill was not open to any such objection. There was no such thing as plantation and the language was that:

"The Local Government in any province may, after three months' notice of its intention of so doing by notification in the local official Gazette, apply the provisions of the Act or any of them, subject to such relaxations as may be specified in the notification of the payment of wages to any class of persons employed in any industrial establishment."

The phrase "industrial establishment" was not defined so as to include plantation. My objection is not that this Act should not apply to plantation pure and simple. What I object to at present is this that when we are framing laws to suit only industrial concerns they should not be so worded as to bring in pure and simple agriculture. If we really intended to apply such provisions to agriculture also, the wording would have to be different and amendments would have to be made so as to suit rural conditions also. I will only give one illustration. For instance, in clause 6 it is said that all wages shall be paid in current coin or in currency notes or in both. But it is the experience of every man who lives in the villages or knows the villages that in agricultural operations in the villages the wages are mostly paid in kind and not in coin. So my plain meaning is this that the original purpose of the Bill was not to include agriculture, and I understand that the present purpose of this Bill is also the same. What I want to guard against is its misapplication to agriculture. There should be no such loophole left as that at some subsequent date this Act may be applied to agriculture. I do not mind bringing forward a Bill on these lines with suitable modifications which could be applied to agricultural labour also, but as it stands it is most unsuitable to agricultural labour, and, therefore, I move my amendment.

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

"That after sub-clause (6) of clause 1 of the Bill, the following new sub-clause be inserted:

(7) Nothing in this Act shall apply to persons employed or engaged in agriculture."

Mr. N. M. Joshi: Sir, I rise to oppose this amendment. If you read clause 2, you will find that, in sub-clause (ii) (e), there is the word "plantation". That word makes it quite clear that it is the intention of this Bill that people working only on organised agriculture should be included in the provisions of this Bill. There is no intention to apply the provisions of this Bill to unorganised agriculture. The word "plantation" shows that the application is restricted to what I may call organised agriculture, such as, tea plantations, coffee plantations, sugar plantations, cinchona plantations and such plantations. It is true that the word "plantation" is not defined and it will have to be defined by the Local Governments. The

power to apply this Bill is given to the Local Governments and, so far as I can judge, the Local Governments are not going to be very enthusiastic and very prompt in applying this measure to plantations and much less to ordinary agriculture. If you take the constitution of the present Local Legislatures, leave aside the Local Governments, you will find that the agricultural labourer,—I am not talking of the agricultural tenant or the small agricultural landlord or peasant,—the agricultural labourer to whom this Bill will apply is not represented in the Local Legislatures at all. The poor man has absolutely no influence with Local Governments; he has hardly any voice and if he has any voice it is never heard by anybody.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Where has your voice gone to?

Mr. N. M. Joshi: As I am not in the Local Legislatures at present, I can only raise my voice in this Legislature, though it is not very effective.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): But you are not an agriculturist.

Mr. N. M. Joshi: But I speak for them. I should like some agriculturist to speak on behalf of the agricultural labourer, but if they will not, I shall.

Sir, there is, therefore, no fear of the Local Governments or even the Local Legislatures doing anything which may cause harm to rural agriculture. The intention of the Bill is that it will be applied to plantations. My fear is that it may not be even applied to plantations. There is absolutely no fear that it will ever be applied to ordinary agriculture by the Local Governments or by the Local Legislatures. I, therefore, oppose this amendment.

Mr. J. A. Milligan: Sir, I think the attitude taken up by my Honourable friend, Mr. Joshi, is not entirely logical. He objects to amendments being put into this Bill which would enable the Local Governments to extend it freely and fearlessly to every sort of industrial establishment. And now, by persuading the House to reject reasonable amendments, having made it difficult for Local Governments to extend the Act in this way, he says, "Oh, you need not worry; there is no fear that the Local Governments will ever desire to extend it to plantations". Sir, I strongly support the amendment.

The Honourable Sir Frank Noyce: Sir, I suggested to my Honourable friend, Mr. Morgan, this morning that he might look up his dictionary. Now he can return the compliment and suggest we might have done the same. I think that my Honourable friend, the Mover of this amendment, has drawn attention to a point which is worth considering. I was first inclined to think that his amendment was quite unnecessary, and I am still not quite convinced that it is necessary, because you have to read the word "plantation" to which he objects in terms of what goes before. "Industrial establishment" means, amongst other things, "tramway, dock, wharf or jetty, inland steam-vessel, mine, quarry or oil-field". It is perfectly obvious, I think, Sir, that read in the light of everything else in the sub-clause, ordinary agriculture cannot be brought under the term "industrial establishment". But, with your permission, and, if it

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[Sir Frank Noyce.]

is the wish of the House that "plantation" should be more clearly defined, we have a precedent in the Workmen's Compensation Act. It has been defined there and there is a good deal to be said for adopting much the same definition here so as to make the intention that the Bill should not apply to agriculture—we might say agriculture pure and simple—more explicit. In the Workmen's Compensation Act, "plantation" is defined as follows:

"Plantation means any estate which is maintained for the purpose of growing cinchona, rubber, coffee or tea, and on which on any one day of the preceding twelve months twenty-five or more persons are employed for that purpose."

For the purpose of this Bill that might read:

"Plantation means any estate which is maintained for the purpose of growing cinchona, rubber, coffee or tea and on which twenty-five or more persons are employed for that purpose."

If it is the wish of the House, and if you would permit me, I would ask Mr. Clow to move a formal amendment when we come to the next clause.

Mr. Ghansham Singh Gupta: In view of what has been said by the Honourable Sir Frank Noyce, I beg leave of the House to withdraw my amendment.

Mr. J. A. Milligan: Sir, as the amendment has been withdrawn, my question is not in order, but I did desire to ask the Honourable Sir Frank Noyce "Did his proposal not involve first a definition of 'estate'?"

The Honourable Sir Frank Noyce: No. My proposal goes no further than the definition already in the Workmen's Compensation Act.

Mr. J. A. Milligan: Is there no definition of "estate" in that Act?

The Honourable Sir Frank Noyce: No.

The amendment was, by leave of the Assembly, withdrawn.

Mr. President (The Honourable Sir Abdur Rahim): Before clause 1 is put to the House, the Chair would deal with the other clauses it has already mentioned.

The question is:

"That clause 2 stand part of the Bill."

Mr. F. B. Leach: Sir, I beg to move:

"That to part (ii) (a) of clause 2 of the Bill, the words 'or any motor omnibus' be added."

The reason for this amendment, Sir, is to fill what appears to be an omission in the Bill which was discussed last Session with representatives of Government. There are two reasons which I would like to put forward in support of it. The first is that in Rangoon at any rate, and I believe in other towns of India as well, tramway companies have now started to

run motor omnibuses as well as trams, and it is not clear whether the wording of the Bill as now drafted, namely "industrial establishment means any tramway. . ." would give protection to employees engaged on the motor omnibuses or would only give protection to those employed actually on the trams. The same point applies to certain railway companies which have taken up road transport and are running motor omnibuses in connection with the railways. The question arises there whether their employees engaged on the omnibuses would receive protection in the same way as the employees engaged on the trains. It is obviously desirable that all the employees of the company should be given the same protection. That is one point.

The second point is, I think, a good deal more important; that is, that the Act now applies to railways, but it definitely does not apply to motor omnibus companies or private motor omnibuses as such. Now, Sir, we have all been hearing a great deal lately about the serious condition of railway finances in this country, and one of the points which has been raised in that connection is the alleged unfair competition of motor road transport with railway companies. Railway companies are under strict supervision with regard to their employees, but motor omnibus companies are exempt from the provisions of this Bill. We are, therefore, adding by this Bill to the facilities given to motor omnibuses and road transport in their competition with railways. It is very questionable whether this should be done. It is an extremely difficult question, because, at any rate in the province from which I come,—Burma,—a large number of these motor omnibuses are not owned by companies who keep any proper books, which could be inspected and in whose case the provisions of this Act could easily be enforced. A large number of them are privately owned, by persons who may own one, two or three buses; at the same time I think the employees in them deserve the same protection as the employees in other forms of transport, but I find that it is not provided in this Bill. I think also that on account of the great importance of not giving road transport any undue preference over the railways which are the property of the State and are one of its most valuable assets, the question whether motor omnibuses should not be included within the scope of this Bill requires very serious consideration. Whether the actual wording of this amendment is altogether suitable, I leave it to the Honourable Member in charge of the Bill to decide. The question was discussed during the last Session, and I understand that the wording now suggested was informally accepted. Sir, I move.

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

"That to part (ii) (a) of clause 2 of the Bill, the words 'or any motor omnibus' be added."

Mr. N. M. Joshi: Sir, I have great pleasure in supporting this amendment. We owe really sincere thanks to the Mover of this amendment for an obvious omission on the part of Government as well as on the part of the members of the Select Committee. This motor omnibus service, as has been claimed, has now developed to a great extent in the country. I do not believe the application of this Bill really makes a difference at all to the ability of the motor omnibuses to compete with the tramways or railways, because this measure does not throw any great financial liability upon the industry

Some Honourable Members: Oh, yes.

Mr. N. M. Joshi: It is a very slight one indeed.

Mr. F. E. James: A lakh of rupees for one railway.

Mr. N. M. Joshi: I do not think so. But, at the same time, I think that the inclusion of motor omnibus in the list in clause 2 is very desirable. As a matter of fact, I feel that the conditions of work on motor omnibuses deserve to be regulated: the Royal Commission on Indian Labour made a recommendation that, in granting licenses to these omnibuses, the Local Governments, if they find it necessary, should lay down certain conditions as regards hours of work and other things. Unfortunately, no Local Government has yet done this. If we can bring the motor omnibuses under regulation even for the sake of this Bill, I think we shall be doing a good service.

Mr. J. A. Milligan: Sir, I would like to take this opportunity of making a personal explanation in reply to a previous accusation made by Mr. Joshi against myself: he accused me before of misrepresenting what had happened in the Select Committee. He has done the same now. He said this matter was never before the Select Committee. I claim that I raised this particular point in the Select Committee, and Mr. Joshi was one of those chiefly responsible for turning it down.

Mr. N. M. Joshi: Sir, I absolutely deny this charge.

The Honourable Sir Frank Noyce: Sir, it has come with such a shock of pleasurable surprise to me to find Mr. Joshi in agreement with my Honourable friends of the European Group that I may say at once quite shortly that I am prepared to accept this amendment with a slight alteration. Obviously, the amendment in its present form would not make very good sense. If the amendment were accepted, we should then find that "industrial establishment" meant "(a) any tramway or any motor omnibus". You can hardly call one motor omnibus an industrial establishment. I would, therefore, suggest to my Honourable friend that if he is prepared to add the word "service" after "motor omnibus", it would meet the case, and I should be quite prepared to accept the amendment. The clause would then read:

"Industrial establishment" means any (a) tramway or motor omnibus service . . ."

Mr. F. B. Leach: Sir, the first suggestion which I made when framing this amendment was to use the phrase "motor omnibus company". That was obviously unsuitable. If the Honourable the Industries Member is satisfied that "omnibus service" would include a private individual running one motor omnibus along a route from A to B, a daily service at regular or irregular hours, then I am quite satisfied. It is extremely difficult to find the proper phrase—I have been searching to find it; but I quite agree that "service" is more satisfactory than the words "motor omnibus"; and I am quite willing to accept it.

The Honourable Sir Frank Noyce: I would inform my Honourable friend, Mr. Leach, that my Honourable colleague, the Law Member, is of opinion that "motor omnibus service" meets his point and would cover the case of a single bus provided it runs along a regular route at regular times.

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

"That in part (ii) (a) of clause 2 of the Bill, after the word 'tramway' the words 'or motor omnibus service' be inserted"

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): Another amendment has been handed in just now to clause 2 by Mr. Clow, and the Chair is prepared to suspend the Standing Order regarding notice of amendments to clauses.

Mr. N. M. Joshi: We have not been given any copies.

Mr. A. G. Clow (Secretary, Department of Industries and Labour): Sir, I move:

"That after sub-clause (ii) of clause 2, the following sub-clause be added, namely: '(iii) 'plantation' means any estate which is maintained for the purpose of growing cinchona, rubber, coffee or tea, and on which twenty-five or more persons are employed for that purpose'."

and that the remaining sub-clauses be re-numbered accordingly.

This is the amendment to which my Honourable friend in charge of the Bill alluded just now and it is adapted from a definition which is contained in a Schedule to the Workmen's Compensation Act.

Mr. F. E. James (Madras: European): Sir, may I submit to you that if the Honourable Member will be prepared, this particular amendment might be taken up tomorrow? We have not got it before us and we should like to look at it and study its implications before proceeding actually to vote upon it. I do not know whether the Honourable Member will be prepared to do that.

The Honourable Sir Frank Noyce: Most certainly, Sir. I shall be very glad to do so. The question rests rather with you than with me: if you are willing to postpone consideration of this amendment till Friday when the Bill will be taken up again, I have no objection.

Mr. President (The Honourable Sir Abdur Rahim): The Chair takes it, the Bill will go on till Friday.

The Honourable Sir Frank Noyce: Then, I am very willing.

Mr. President (The Honourable Sir Abdur Rahim): If it does not go on till Friday?

Mr. N. M. Joshi: May I suggest that sugar be included amongst the other plantations included in the definition?

The Honourable Sir Frank Noyce: No, Sir: I am not prepared to go beyond the definition which we have already accepted and embodied in an Act passed by the Legislature.

Mr. N. M. Joshi: Then I give notice that I shall move an amendment to this amendment.

Mr. President (The Honourable Sir Abdur Rahim): Then, it must stand over till Friday or the next allotted day.

Mr. A. G. Glow: Sir, I move:

"That in sub-clause (v) of clause 2 of the Bill, after the words 'which would be so payable', the words 'and any sum payable to such person by reason of the termination of his employment' be inserted."

I regret, Sir, that I have quite a number of small amendments standing in my name, but in a complicated Bill of this kind one constantly finds little errors and omissions, and this relates to one of them. We found on examining the definition in question that where an employee was discharged, for example, without notice, and was, therefore, entitled to his wages for the remaining period of the month, that did not come within the definition of the wages we had included in the Bill, because it represented essentially what were damages and not wages. And we felt that in a Bill of this kind, payments of this kind in connection with the termination of employment are much more suitably combined with wages, and that it would create an anomalous position if parties had to recover wages in one Court and damages in another Court. This is, therefore, intended to ensure that a sum of that kind which may be due to workers falls within the definition of wages and can be recovered on application to the authority set up under this Bill

Sir Cawasji Jehangir: Dismissed without notice?

Mr. A. G. Glow: or with inadequate notice, I take it.

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

"That in sub-clause (v) of clause 2 of the Bill, after the words 'which would be so payable', the words 'and any sum payable to such person by reason of the termination of his employment' be inserted."

The motion was adopted.

Mr. A. G. Glow: Sir, I move:

"That for part (a) of sub-clause (v) of clause 2 of the Bill, the following be substituted:

"The value of any house accommodation, supply of light, water, medical attendance or other amenity, or of any service excluded by general or special order of the Governor General in Council or Local Government."

Sir, in this amendment, only the latter part is new. The object of the amendment is to repair another minor omission, and it is due to the insertion by the Select Committee of clause 6 which prescribes that all wages shall be paid in current coin or currency notes or in both. If Honourable Members will turn to clause 7 (2) (e), they will see that provision is there made for deductions for certain services. But the employer might choose to give certain services free and make no deductions at all, and the clause I seek to amend, if left in its present form, would preclude him from doing so. For example, on steamers it is the custom and necessity to provide the worker with his food; but as that is, under the definition of wages as it stands, a part of wages, it could not be paid otherwise than in cash; in other words, it could not be supplied at all. That is the defect in the definition that this amendment seeks to remedy.

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

"That for part (a) of sub-clause (v) of clause 2 of the Bill, the following be substituted:

"The value of any house accommodation, supply of light, water, medical attendance or other amenity, or of any service excluded by general or special order of the Governor General in Council or Local Government."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot put clause 2 to the vote since there is one amendment still outstanding.

The question is:

"That clause 3 stand part of the Bill."

Mr. N. M. Joshi: Sir, I move:

"That in clause 3 of the Bill, after the word 'persons', the words 'or their substitutes' be inserted."

The object of my amendment is to make the employer responsible for the payment of wages not only to the persons employed by him but also to those persons who act as substitutes for the workmen or the persons employed by such employer. I am not quite sure whether my drafting is quite perfect, but if there is any defect in drafting, I am quite sure, the House will be indulgent enough to me and permit me to improve that drafting. But I have made my object quite clear. I want to make the employer responsible for the payment of wages of the persons employed by him and for the payment of wages of their substitutes. In some industries like the Bombay textile industry there is a practice of employing substitutes, especially for weavers. These substitutes are temporary workers. When a man wants to absent himself from work, another man takes his place temporarily for two or three days. A large number of workers in Bombay find employment in this way in various mills. A temporary worker works in one mill for two days, in another mill for two days, and in a third mill for four days. In that way he gets some work during the month. The payment of these substitutes is made either by the employer or by the man for whom he acts as a substitute when the regular payment is made for all people, that is, say on the 10th or another day of next month. There may be a payment made say on the 10th of February for work done in January. A man may have worked in the first week of January for two days, but, in order to get his pay for two days, he has to go to the mill on the 10th of February and if he has worked in several mills in one month he will find it extremely difficult to collect his dues and do his work. This practice causes great inconvenience to all the substitutes including the substitutes employed by the weavers. The Bombay Government, in writing about this practice, have very strongly recommended that substitutes should not be made to go to the mills on the 10th or 12th day of next month, but there must be some arrangement for their prompt payment. The Bombay Labour Commissioner has also strongly recommended that these substitutes should be paid not 20 days or 30 days after, but as soon as their services are terminated. I do not wish to tire the patience of the House by reading at length what the Bombay Labour Commissioner has said, but I shall read only one small sentence:

"The first difficulty could be met by providing that all substitutes should be regarded as employed by the employer."

[Mr. N. M. Joshi.]

This is what I intend to do, that all substitutes should be regarded as being employed by the employer. This practice of paying the substitutes after 20 or 30 days leads to various evils. I, therefore, feel that the substitute should be included among those people for whose payment the employer should be held responsible. At present, in Bombay, when the weaver employs a substitute for himself and the weaver himself is responsible for the payment; the substitute on many occasions does not receive full payment from the weaver. It is true that it is the weaver here who exploits the sub-weaver or his substitute, but I do not care who the exploiter is, whether it is the weaver or any other person. I stand against all exploiters, and I would like, therefore, that the substitute should be protected. It may be said that this practice has been going on for a long time and this may create a lot of disturbance in the industry. Nothing of the kind. This practice is confined to Bombay only. We have got the textile industry in Ahmedabad, but there the substitutes are paid by the employer and not by the weaver who appoints the substitute. When the practice is confined only to Bombay and it has not been found necessary in Ahmedabad, there is no reason why that practice should be allowed.

Sir Cowasji Jehangir: On what authority are you saying that?

Mr. N. M. Joshi: On the authority of knowledge. I have enquired and people in Ahmedabad, who have a very thorough knowledge of the Ahmedabad mill industry, have told me that this practice of a weaver paying his substitute does not exist in Ahmedabad at all.

Sir Cowasji Jehangir: So, we have only got your word for it!

Mr. N. M. Joshi: Not only my word, but my word has the authority of people who have worked in Ahmedabad. I, therefore, hope that my amendment will be carried. If there is any defect in drafting, I am certainly prepared to make good that defect by proposing an amendment.

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

"That in clause 3 of the Bill, after the word 'persons', the words 'or their substitutes' be inserted."

Sir Hormasji Peroshaw Mody (Bombay Millowners' Association: Indian Commerce): Sir, I desire to say a couple of words in opposition to this amendment. While a great deal of what my Honourable friend, Mr. Joshi, may have said with regard to hardship to individual operatives may be true, the course that he suggests as a remedy is wholly impracticable. Apart from the fact that we would have to keep on paying almost every day of the month to a large number of operatives, because of the system of absenteeism which prevails in various centres of the industry, there is this practical difficulty in the way. Supposing a weaver left a "badli" for a couple of days, the "badli" would be working on the beam on which the weaver was working. The beam would take three or four weeks to finish, and it would be quite impossible for the management to assess the value of the work of the "badli" until such time as the beam had

yielded a definite number of pieces. Therefore, if the amendment suggested by my Honourable friend, Mr. Joshi, were to be accepted, a totally new principle would be introduced. If there is any hardship it is not the management who are responsible for it. They pay their operatives at the proper time, and if the operative who is regularly on the muster fails to pay the "badli" it is surely not the fault of those who are responsible for the payment. Therefore, I oppose the amendment.

The Honourable Sir Frank Noyce: This is a point which was discussed in the Select Committee at some length and it was eventually decided not to make any special provision for it. The reason why the Select Committee were unable to accept Mr. Joshi's proposal was, as pointed out by my Honourable friend, Sir Hormasji Mody, that the *badli* or substitute is brought in as a convenience to the workman and not to the employer. The employer does not want him particularly and, therefore, there is no case for insisting on the employer paying him directly. It is to the workman who brings him in, that he should look for payment and he is to that extent protected by the provisions of the Bill. For these reasons, I oppose the amendment.

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

"That in clause 3 of the Bill, after the word 'persons', the words 'or their substitutes' be inserted."

(After calling for "Ayes" and "Noes".)

The Chair thinks the "Noes" have it.

Mr. N. M. Joshi: "Ayes" have it.

Mr. President (The Honourable Sir Abdur Rahim): Will those Members who support the amendment rise in their places?

(After counting the number of those who rose in their seats.)

Will those who oppose the amendment rise in their places?

(After counting the number of those who rose in their seats.)

The "Noes" have it.

Mr. N. M. Joshi: On a point of order, Sir. I have some doubt about this method of division. I shall place before you my difficulty. Any Member has a right to ask for a division, but the method and manner of the division is left to the President. The object of a division is twofold, first, to see whether the amendment or proposal is passed or not. The second object of a division is to record who votes how. By the method which you have followed it will not be recorded who votes how. I would, therefore, request you to consider, not today if you like, but at some other time,.....

Mr. President (The Honourable Sir Abdur Rahim): That is the practice.

Mr. N. M. Joshi: I am not suggesting that it is not the practice. I am only suggesting to you.....

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member thinks that he is really doubtful that other Members will support him, that is another matter.

Mr. N. M. Joshi: The point is how the voting will be recorded. If the Secretary takes down our names, then I do not mind, but if he does not do that, the division is not complete.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think that it is the practice to record the names of Honourable Members in such a case. If the Honourable Member is able to point to any precedent in support of his contention, the Chair will consider it, but, for the present, the Chair will follow the practice that has been followed in the past. The "Noes" have it.

The motion was negatived.

Mr. J. A. Milligan: Sir, I beg to move:

"That in the proviso to clause 3 of the Bill, after the words 'Provided that, in the case of persons employed' the words and brackets '(otherwise than by a contractor)' be inserted."

The purpose of this amendment is to make clear in the wording of the Bill itself the declared intention of the Select Committee in their report. May I quote from that report a few lines? Under clause 3 it runs as follows:

"In respect of contractors, the intention is that the contractor should be responsible for payment where he undertakes actual work for the principal employer and is in charge of the labour, and that the principal employer or his manager should be responsible where the contractor merely contracts for the supply of labour to the employer."

I submit that clause 3 of this Bill, as it has emerged from the Select Committee, fails to make that distinction clear, and the amendment which I have proposed is, I understand, adequate for the purpose. Sir, I move.

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

"That in the proviso to clause 3 of the Bill, after the words 'Provided that, in the case of persons employed' the words and brackets '(otherwise than by a contractor)' be inserted."

The Honourable Sir Frank Noyce: Sir, the facts are as stated very clearly by Mr. Milligan, and I accept his amendment.

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

"That in the proviso to clause 3 of the Bill, after the words 'Provided that, in the case of persons employed' the words and brackets '(otherwise than by a contractor)' be inserted."

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. N. M. Joshi: Sir, I beg to move:

"That in sub-clause (2) of clause 4 of the Bill, for the words 'one month' the words 'a fortnight' be substituted."

This Bill fixes that one month shall be the maximum wage period. If a man is employed by an employer, he has to be paid every month. The period of payment shall not be two months, three months or six months, but it must be a month, or less than a month. Now, Sir, my amendment seeks to enact that the maximum period shall not exceed a fortnight. This question was very seriously considered by the Royal Commission on Indian Labour. They went into the question very thoroughly and they came to the conclusion that a weekly payment is desirable but that it would make a sudden change. Therefore they recommended that fortnightly payment of wages should be introduced. I do not wish to go into all the arguments. The main argument of the Royal Commission was that the workers in India are illiterate. They cannot take very long views. Whenever they get money for a month, they do not know how to make it go the whole month. They spend it in the first week or in the first fortnight with the result that they have to go to the *sowcar* and take loans. Similarly if the payment is a monthly payment it forces the workers to purchase things on credit and when a man purchases things on credit he pays higher prices for the articles he purchases. The object of the Royal Commission was to reduce the credit of these working classes, which is created amongst other things by a monthly payment of wages. When the payment is on a monthly basis, the man gets a larger amount in his hands, with the result that the *sowcar*, at the end of the month, can go to him and get his interest and also part of his capital very easily. He is willing to give him a larger loan. For these reasons, the Commission came to the conclusion that, it is in the best interests of the working classes of this country, that the weekly system of payment should be introduced, but, considering the difficulties in the way of making a sudden change, they recommended the fortnightly system. It is said that a system of this kind will be difficult to administer in India, because in India generally the payments for rent and other things is by the month. But my view is that these systems depend on how the wages are received. If we introduce the fortnightly system, I am sure that the *baniya* will collect his dues fortnightly and also the owners of houses will collect rent on a fortnightly basis. As a matter of fact, there are industries in India where the weekly system of payment exists. In Bihar, the weekly system of payment obtains in mines. There is no difficulty felt at all. People who collect rents change their system, as soon as the system for the payment of wages is changed. The workers being illiterate do not sometimes understand that these difficulties will be removed. It is on account of this that you find in some places in the opinions received that even the workers do not like this fortnightly system of payment. If the workers are properly explained, as I have done on several occasions, they would like the introduction of the weekly or fortnightly system of payment. In Ahmedabad the payment is fortnightly. No difficulty is created there at all. So there are really no arguments against the reforms I am suggesting. I, therefore, hope that the House will accept my amendment and if

[Mr. N. M. Joshi.]

the amendment is accepted I am quite sure that it will introduce a great reform in the system of payment of wages to the workers of this country.

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

"That in sub-clause (2) of clause 4 of the Bill, for the words 'one month' the words 'a fortnight' be substituted."

Mr. V. V. Giri: I desire to make a few observations with regard to this amendment. The Royal Commission on Labour came to India and published its report about the year 1929. It consisted of Honourable Members of great wisdom, great sagacity and forethought like Mr. Clow and Mr. Joshi. That Commission was of opinion that the weekly system of payment might be introduced with profit, and I would only like to refer to a few observations of the Royal Commission on Labour. Speaking about the mines, they have stated:

"We believe it to be a fact that the coal miner who is paid weekly or daily is much less in debt in proportion to his income than the railway worker who is paid monthly, and they made further observations about the utility of payment by the week or fortnight: A shorter period of payment should also improve the workers' financial position in other ways. The illiterate worker tends to take a short view; the longer view of life is largely a matter of education."

I consider that the Government who appointed the Royal Commission should, after the report was published, have educated public opinion in this matter, whether it be the employer or the worker, and I fear that in this matter the Government of India have not done their duty to the fullest extent. While I support Mr. Joshi on the matter of the fortnightly payment, I would like to make a suggestion to the Government. Even if they are not able to accept this suggestion at the present time, I suggest that they should, at the earliest possible opportunity, bring in legislation for at least fortnightly payment of wages. That is my suggestion.

Mr. A. G. Clow: I am afraid I must oppose this amendment. I regard it in fact as one of the most devastating amendments made against the Bill. My Honourable friend, Mr. Joshi, said this morning that the Bill has in essence two objects. One is to secure that the workers get their wages promptly and the other is that they should be protected from certain deductions. Sir, the clause which my Honourable friend seeks to amend was one inserted not for the purpose of regulating the period of payment of wages, it was inserted in order to close a loophole, because it occurred to someone that, without a clause of this kind, an employer might circumvent nearly all the provisions of the Bill by saying: "Oh, well, my period of payment of wages is six months or a year and I shall give advances when I choose". But my Honourable friend, Mr. Joshi, with that ingenuity which characterizes so many of his amendments, has discovered a way of perverting, if I may say so, the Bill for another purpose.

Mr. N. M. Joshi: Oh, no, no.

Mr. A. G. Clow: . . . and introducing a revolution in the system of the payment of wages throughout the factories and railways of India.

Now there is a long history behind this question. There was a Bill sponsored a number of years ago by a private Member to try and enforce the weekly payment of wages, and, after circulation, it failed to find any support of importance in the country. Thereafter the matter was examined by the Royal Commission. Mr. Giri did not spare my blushes in alluding to the wisdom of that body, but I must point out that it did not make the recommendation attributed to it by my Honourable friend, Mr. Joshi. What it suggested was that wages should be paid at periods not exceeding sixteen days in only certain classes of factories. Those were the textile factories, where at present the majority of the workmen do get their wages at periods of sixteen days or less, the railway workshops, the engineering workshops and the iron and steel works. No proposal was ever made by the Labour Commission that we should legislate to provide, as Mr. Joshi's amendment would provide, for all factories in India and for all railway workers for fortnightly wages. Now that proposal was circulated for opinion; I think my Honourable friend, Mr. Giri, had evidently forgotten that fact; and the opinions that we received to it were, I must admit, adverse. The opinions of employers were almost unanimously against it, and Mr. Joshi will probably say that that was not surprising. The opinions of independent bodies and persons were also, I think, fairly unanimous against it. But when we come to labour, not even labour was by any means generally in favour of it. I think even among the trade unions, speaking from memory—and after all, trade unions are generally managed by leaders who are a little ahead of the times and who nearly always tell us not what the worker wants but what they think the worker ought to want—even they were not agreed in respect of this measure.

Now I share with Mr. Joshi the view which I expressed as a Member of the Labour Commission and which I still hold that, on the whole, a shorter period of payment is in the interests of workers, and I believe this Bill will have some effect gradually—particularly clause 9 of the Bill—in converting the employers to rather shorter periods of payment in some cases. But between a gradual shortening of the period of payment in this way and endeavouring to enforce by a stroke of the pen a reform which will upset a system that has been customary from time immemorial with large sections in this country, there is a deep gulf fixed. Sir, I believe, if we attempted it, we should then be turning a measure, which I hope will be regarded as a boon by the workers—into one which, if it was enforceable at all, they would strenuously resist in many centres. (Applause.)

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

"That in sub-clause (2) of clause 4 of the Bill, for the words 'one month' the words 'a fortnight' be substituted."

The motion was negatived.

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

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

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

"That clause 5 stand part of the Bill."

Mr. N. M. Joshi: Sir, I move:

"That in sub-clause (1) (a) of clause 5 of the Bill, the words 'upon or in which less than one thousand persons are employed' be omitted."

Sir, the Bill, as amended by the Select Committee, provides that employees of railways, factories and other industrial establishments employing less than one thousand persons should be paid before the expiry of the seventh day. My proposal is that employees of all factories, and railway and other industrial establishments covered by this Bill, should be paid before the expiry of the seventh day. The Select Committee provides that in the case of the larger factories which employ more than a thousand persons the payment may be made before the expiry of the tenth day. Sir, the original Bill, introduced by the Government of India, had made no distinction between the larger and the smaller factories, and at that time the Government of India thought that a period of seven days for the calculation of wages was good enough. Unfortunately, Sir, the Government of India changed their attitude in the Select Committee, and now they have given a longer period for the owners of the larger factories. I feel, Sir, that even the period of seven days for the calculation of wages in large factories is a very long period. Sir, it does not take such a long time to calculate wages. The largest factories and the largest industrial establishments in Great Britain pay the wages on a Saturday morning for the work done up to Thursday evening. They only require one day's period intervening in order to calculate wages and make the payment. There are factories employing not only one thousand but five thousand persons in Great Britain, but the payments of wages are made only after one day's interval. This is the practice going on in Great Britain over a number of years. Sir, if the British industries can make the calculation of the wages of their employees in one day's time, I think it will be regarded as a libel on the intelligence and capacity of the Indian employers that they cannot do a similar thing, but supposing our Indian employers are a little bit less able, still they should not take one week in place of one day. I, therefore, feel that this period of even seven days is a long one. But I thought it was much better to keep to the original period of seven days but strenuously to oppose the extension of that period to ten days. I really feel, Mr. President, that the calculation of wages should not create any difficulty. After all, the calculations are not so difficult; it is not that these industrial establishments do not have a sufficient number of clerks; it is true that if they expect one clerk to calculate what wages they will have to pay, they will find it difficult, but if they employ the whole establishment or a large part of the establishment, I am quite sure they will be able to calculate the wages within a period of seven days. I, therefore, feel that, in the interests of the working classes of this country, my amendment should be accepted.

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

"That in sub-clause (1) (a) of clause 5 of the Bill, the words 'upon or in which less than one thousand persons are employed' be omitted."

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan): Sir, I have not been able to discover any reason for drawing a distinction between factories which employ one thousand persons and those which employ a smaller number in regard to the date of payment of wages. To me it appears that the larger factories are in a better position to calculate wages than the smaller factories because the larger factories have expert accountants and other persons who can find out what is payable at the end of the month. I believe that this distinction will prove an obstacle in regard to the demands of the wage-earners. Many of them will not know whether a factory employs one thousand persons or not. So a confusion is likely to be created in the minds of the wage-earners. For these reasons and also for the reason that seven days is a fairly long period, I support the amendment of Mr. Joshi.

Sir Hormasji Peroshaw Mody: Sir, my Honourable friend, Mr. Joshi, I am glad to find, has expressed his appreciation of the conditions of employment in western countries. On a suitable occasion I shall ask him to translate into actual practice the admiration which he appears to have all of a sudden conceived for the system of employment in Great Britain. I should like to remind the House that the conditions are vastly different in both countries. In the first place, my Honourable friend's remarks tended, unconsciously I am sure, to mislead the House by suggesting that we require seven days and more for making the same kind of payment which in England requires no more than a day. He omitted to mention that there is a system of weekly payment in Great Britain whereas we have a system of monthly payment. He also should have pointed out in fairness that the number of people employed in India bears no relation whatsoever to that which is employed upon similar amount of work and under similar condition in Great Britain. I think it is perfectly true to say that we employ for the same amount of work probably four or five times the number of people who are thought necessary under western conditions. Then there is another difference and that is in the habits of our work-people. There is a great deal of absenteeism in this country and elaborate calculations have to be made, particularly in the case of time workers, as to the number of days they have absented themselves, and in the case of a large establishment where four or five or six thousand people are employed, it is almost physically impossible to make payments inside of the ten days which have been laid down in the report of the Select Committee. It is not an unreasonable period, and when we take into consideration the fact that today all sorts of methods of payment prevail, and that anything from two to three weeks are wasted in payment to the operatives, I hope my Honourable friend, Mr. Joshi, will realise that a very substantial reform has been achieved for the work-people by the imposition of a definite period.

Mr. V. V. Giri: My Honourable friend, Sir Hormasji Mody, made an observation that it is rather difficult to pay employees in large establishments within seven days. I am sure that large establishments which are controlled by my Honourable friend can easily pay on the seventh day, because they can easily engage two or more accountants than what they have at the present time and get the wages paid on the seventh day. I am sure, the Government of India also should not have any objection to agree to this proposal, because, in the draft Bill,

[Mr. V. V. Giri.]

which was circulated, the proposal of the Government was for the payment on the seventh day, and I do hope that a reasonable amendment of this character will not be opposed by the Government. I support the amendment of my Honourable friend, Mr. Joshi.

Mr. J. A. Milligan: I should like to draw the attention of the House to what appears to me to be the most important point in this connection and that is that this Bill provides the greatest boon to the workers in the regular payment of wages. The question of the amount of time that may elapse between the completion of the wage period and the payment is only of material importance in the case of the first payment. The real thing is that after the first payment, the wages can be counted on to be paid regularly on a particular day, month after month, and that is the real boon to the workers.

The Honourable Sir Frank Noyce: I should like to remind the House when it is considering Mr. Joshi's amendment that the Select Committee altered the Bill in two directions. They endeavoured to keep the balance even between the payers of wages on the one hand and the payees on the other. I should like to read to the House the Select Committee report relating to clause 5. It says:

"Sub-clause (1) formerly provided for the payment of wages within seven days but allowed an extension, where the seventh day was not a working day, to the first working day thereafter. We consider that extension undesirable and have not only deleted the reference to it, but have, by providing for payment on a working day, further reduced the period that will be available in some cases. At the same time, we have, by a majority, allowed three additional days for large establishments."

The Select Committee, therefore, endeavoured to keep the balance even and I had hoped that when my Honourable friend, Mr. Morgan, withdrew his amendment, Mr. Joshi also would have withdrawn his. But that hope has not been fulfilled. Mr. Joshi's amendment and the following amendments Nos. 16, 17 and 18 all seek to alter the periods of payment of wages in various ways. All I can say is that this question which is a very technical one was thrashed out most carefully in the Select Committee where we spent a great deal of time over it. The conclusions to which we came have been embodied in the Bill. I would, therefore, ask the House to support the Select Committee's report and to reject Mr. Joshi's amendment. If you once start to alter the period in one direction, it is difficult to resist attempts to alter it in another and if we try to do it here in the House, we shall only get hopelessly entangled. I, therefore, oppose Mr. Joshi's amendment and I would emphasize what my Honourable friend, Mr. Milligan, has just said, namely, that what matters most is not the period after which payment of wages must be made but the fact that if this Bill is passed into law, the wage-earner will in future be assured of prompt and regular payment every month or rather after every wage period.

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

"That in sub-clause (1) (a) of clause 5 of the Bill, the words 'upon or in which 4 P.M. less than one thousand persons are employed' be omitted."

The Assembly divided:

AYES 38.

Aney, Mr. M. S.
Ayyangar, Mr. M. Ananthasayanam.
Banerjee, Dr. P. N.
Chattopadhyaya, Mr. Amarendra Nath.
Chettiar, Mr. T. S. Avinashilingam.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Gadgil, Mr. N. V.
Ghiasuddin, Mr. M.
Giri, Mr. V. V.
Govind Das, Seth.
Hans Raj, Raizada.
Jedhe, Mr. K. M.
Jogendra Singh, Sardar.
Joshi, Mr. N. M.
Kailash Behari Lal, Babu.
Khare, Dr. N. B.

Maitra, Pandit Lakshmi Kanta.
Mangal Singh, Sardar.
Mudaliar, Mr. C. N. Muthuranga.
Paliwal, Pandit Sri Krishna Dutta.
Pant, Pandit Govind Ballabh.
Raghubir Narayan Singh, Choudhri.
Rajan, Dr. T. S. S.
Raju, Mr. P. S. Kumaraswami.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Sham Lal, Mr.
Sheodass Daga, Seth.
Singh, Mr. Ram Narayan.
Sinha, Mr. Anugrah Narayan.
Sinha, Mr. Satya Narayan.
Sinha, Mr. Shri Krishna.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Varma, Mr. B. B.

NOES 59.

Abdullah, Mr. H. M.
Acott, Mr. A. S. V.
Ahmad Nawaz Khan, Major Nawab.
Allah Bakhsh Khan Tiwana, Khan Bahadur Nawab Malik.
Aminuddin, Mr. Saiyid.
Ayyar, Diwan Bahadur R. V. Krishna.
Ayyar, Rao Bahadur A. A. Venkatarama.
Bajpai, Sir Girja Shankar.
Bhagchand Soni, Rai Bahadur Seth.
Buss, Mr. L. C.
Chetty, Mr. Sami Vencatachalam.
Clow, Mr. A. G.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Das-Gupta, Mr. S. K.
Dash, Mr. A. J.
DeSouza, Dr. F. X.
Dow, Mr. H.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Gajapatiraj, Maharaj Kumar Vijaya Ananda.
Ghulam Bhik Nairang, Syed.
Ghuznavi, Sir Abdul Halim.
Grigg, The Honourable Sir James.
Hands, Mr. A. S.
Hudson, Sir Leslie.
Hutton, Dr. J. H.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Jehangir, Sir Cowasji.
Khurshaid Muhammad, Khan Bahadur Shaikh.

Lal Chand, Captain Rao Bahadur Chaudhri.
Leach, Mr. F. B.
Lindsay, Sir Darcy.
Lloyd, Mr. A. H.
MacDougall, Mr. R. M.
Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad.
Metcalfe, Sir Aubrey.
Milligan, Mr. J. A.
Mody, Sir Hormasji Peroshaw.
Morgan, Mr. G.
Muhammad Nauman, Mr.
Mukherjee, Rai Bahadur Sir Satya Charan.
Noyce, The Honourable Sir Frank.
Rajah, Rao Bahadur M. C.
Rau, Mr. P. R.
Sale, Mr. J. F.
Sarma, Mr. R. S.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan, Captain Sardar.
Singh, Rai Bahadur Shyam Narayan.
Sinha, Raja Bahadur Harihar Prasad Narayan.
Sircar, The Honourable Sir Nripendra.
Spence, Mr. G. H.
Tottenham, Mr. G. R. F.
Vissanji, Mr. Mathuradas.
Witherington, Mr. C. H.
Yakub, Sir Muhammad.
Yamin Khan, Sir Muhammad.
Zafrullah Khan, The Honourable Sir Muhammad.

The motion was negatived.

Mr. N. M. Joshi: Sir, I move:

"That in sub-clause (2) of clause 5 of the Bill, for the words 'before the expiry of the second working day from' the word 'on' be substituted."

[Mr. N. M. Joshi.]

Sir, when the employment of a person is terminated by the employer himself by giving notice to him, the Bill provides that payment should be made before the expiry of the second working day from the day on which his employment is terminated: that is to say, the employer can pay the wages of a man whose employment is terminated two days after his employment is terminated. I feel, Mr. President, that if an employer gives, say, a month's notice to his employee and the employee leaves at the end of the notice, the employer should be bound to pay his wages before the worker leaves the factory. The employer has given one month's or a fortnight's notice that he himself is going to terminate the services of the employee. I cannot understand, therefore, Sir, why two days' period should be given to the employer to pay his employee when he himself terminates his service. This period of two days given to the employer to make payment is a loss to the workman. Not only that: he may even lose the chance of getting a second job if he has to wait doing nothing for two days. If he has to go to the factory in order to receive his wages on the second day, he loses his two days, because he cannot take any other employment. I cannot understand, Sir, why the Government should make this concession for the employer who dismisses or discharges his employee after notice. Therefore, I feel that the House should accept my amendment. It may be said that if the employer gives notice or discharges a large number of people, it will be difficult for him to make payment to say a thousand people if the employer dismisses them. It is said that in the case of a few employees there is no difficulty in payment, because the employer himself has terminated their services, but when the employer shuts his whole factory and he has to make payment, he may find it difficult to do so. Now, Sir, I ask you and I ask the whole House to consider how many cases and how many occasions there will be when the employers shut their factories and have to make payment, or when the employers discharge 500 or 1,000 or 2,000 people, and why we should legislate to provide for these, say, one or two cases which may happen and cause inconvenience to hundreds of thousands of employees. When the employer himself gives notice of a month or a fortnight, he has an opportunity to make his calculations and he is bound to pay the man on the day on which that man leaves his service and not get two days more and penalize the workman for two days. In those two days the employee may lose his chances of securing a new job.

Sir Cowasji Jehangir: What about piece-work? How is calculation to be made?

Mr. N. M. Joshi: A man may be doing piece-work, but if you give notice, you can calculate his wages. If you are going to shut your works, you should go on making calculations and then pay the wages on the last day. It is wrong, Sir, to keep a man waiting for his payment after he is discharged.

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

"That in sub-clause (2) of clause 5 of the Bill, for the words 'before the expiry of the second working day from' the word 'on' be substituted."

Mr. J. A. Milligan: Sir, I find Mr. Joshi somewhat inconsistent. At an earlier stage in the discussion, he held up to us as a model the English system, whereby wages are paid on the second working day after they had been earned, and he now wants India to go a step further and in this case to pay the wages on the very day on which the wages have been earned.

Mr. N. M. Joshi: The employment is terminated, you discharge a man and refuse to pay him.

Sir Hormasji Peroshaw Mody: There is no question of refusal.

Sir Cowasji Jehangir: How is it to be worked out in practice?

The Honourable Sir Frank Noyce: I regret I must oppose Mr. Joshi's amendment. I think in this case, as in so many other cases, we should accept the Report of the Select Committee which, as I have repeatedly said, went into the question very thoroughly. I would, therefore, suggest that the House should reject the amendment.

Mr. V. V. Giri: Sir, I do not see any reason why the Government should oppose the amendment of the Honourable Mr. Joshi. If a worker desires to leave employment on a particular date and gives notice of his leaving, I do not see any reason why the employer should not pay on the day he leaves the service. I would like to quote the opinions of two or three inspectors of factories quoted at page 10 of the opinions on this Bill—they have been circulated. One is the Inspector of Factories, Assam:

"I see no reason why a worker on discharge should not be able to collect his wages before he leaves the premises."

I do not see any reason why the poor worker should hang about expecting his wages during which time he can go about and try to get service elsewhere. Similarly, the Director of Industries, Punjab, has stated as his view:

"If an employer feels that the period of two days is not sufficient to settle accounts he need not give notice until he feels himself in a position to be able to settle the account immediately on the termination of service."

I, therefore, support the amendment of Mr. Joshi.

Mr. A. G. Glow: Sir, my Honourable friend, Mr. Giri, paid a very warm tribute to the Whitley Commission recently, and I would only like to remind him that the two-days idea came from them.

Sir Cowasji Jehangir: Sir, there is a practical difficulty here that my Honourable friends do not seem to realise. There are pieceworkers and their wages depend upon the work they have done on the last day naturally. Everything will depend on the amount of work done on the last day, which takes some time to ascertain. Therefore, how is it possible immediately to ascertain what is due to a man who has finished his work? Mr. Giri seems to imagine that within a quarter of an hour of his finishing work you can ascertain for one, or ten, or a thousand men what is due to him or to them immediately on the spot. It is not a practical proposition.

Mr. N. M. Joshi: How many times, you dismiss a thousand people at one time?

Sir Cowasji Jehangir: It is not a question of dismissing 1,000 people. It may be only ten: may I put it to Mr. Joshi in this way? Suppose, Mr. Joshi was paid for the number of speeches he made in this Honourable House, or for the number of words he uttered which was recorded by a machine; and then at the end of the day he demanded his month's wages. The Secretary would take at least a day to find out how many words he had uttered during the month. How is it possible to find out immediately on the spur of the moment how many words he had uttered during the month? The next day, perhaps, the Secretarial Department will be able to ascertain the number of words or the number of hours he had spoken, and calculate what was due to him and pay him. Surely you must give the Secretarial Department sufficient time to calculate. In the same way, surely you must give the management sufficient time to calculate the amount of work done during that month. It is not possible to be done in five minutes. Mr. President, I think, that is the simple point that is before the Honourable House and it does not require much discussion. Two days are required to make these calculations and then the man is paid.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Mr. President, I did not intend to make any speech, but it seems to me that there is some little confusion about the exact nature of the amendment that is before the House. The services of a wage-earner may come to an end in two ways: either he may himself give up the service or he may be turned out by the employer. This sub-clause 2 relates to those cases only in which the employer puts an end to the services of the employee. So far as voluntary severance of connection by the employee is concerned, I think, that case would be covered by sub-clause (1) and the employer would have a week's time even after the termination of his service. So there he would have ample time and much more than two days. Sub-clause (2) relates only to those cases where the termination is brought about by or on behalf of the employer. So the question is: should an employer who chooses to terminate the services of an employee be allowed to withhold the labourer's wages for two days? It seems to me unfair to the employee that he should be turned out on the one hand, and, on the other, he should not get even the wages due to him. I am prepared to concede that, where the wage-earner voluntarily abandons the service, he must take the risk of being paid at the usual time in accordance with sub-clause (1) and may have to wait even for a full week. But the arguments that have been advanced by some of the Honourable Members here do not seem to me to apply to a case where the employee does not want to sever his connection but is forced or coerced.

Sir Cowasji Jehangir: What about the practical difficulty?

Pandit Govind Ballabh Pant: The practical difficulty is, I think, much greater in the case of the employee than in the case of the employer. If he finds that he cannot conveniently get rid of that man forthwith, he had better put up with him for a few days more and not hustle through or be impatient to such an extent as to precipitate the crisis for himself.

as well as for the other fellow: he should wait till he has made up his accounts. So, I would suggest to the Government as well as to the other Honourable Members interested in the question that if what I have submitted is correct and if this clause applies only to those cases where the termination of the service is brought about by or on behalf of the employer, then the employee should be given the wages due to him on the day on which he is turned out. He should not be asked to wait further.

Sir Cowasji Jehangir: How are you going to calculate?

Pandit Govind Ballabh Pant: Do not turn him out until you have calculated:

Sir Cowasji Jehangir: Give him an extra day's wage, you mean?

Pandit Govind Ballabh Pant: Keep him on.

Sir Cowasji Jehangir: He is on piecework; he is paid for the work he has done; and that can be calculated only by a certain mathematical process, and only after seeing the work done, can you know what is due to him; how can you do that within five or ten minutes of his ceasing work? It requires a few hours. Where there are hundreds of men, it requires a longer time. That is the practical difficulty. We are perfectly aware of the fact that in this case the employer gives notice: but it makes no difference whether the employee gives notice or the employer.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot make a second speech.

Pandit Govind Ballabh Pant: The difficulty that has been urged by Sir Cowasji Jehangir does not appeal to me at all. I feel that when I take it into my head to turn out a labourer whose source of livelihood depends on my indulgence, then I should not at least be so cruel to him as to retain his wages with me and yet turn him out. If the wage-earner were to give up my service, then I could certainly say: "You are not consulting my convenience: wait until I am able to make all these intricate and subtle mathematical calculations, and it is only after I have gone through all these operations that you will be entitled to your pay". But when I myself turn out a man from my service, I see no reason why I should tell him—'come to me tomorrow or the day after, you must adjust yourself to my convenience in order that you may get your wages'. Sub-clause (1) gives a week's period to the employer to pay the wages where the employee, of his own accord, gives up his service, but where the employee is expelled against his wishes, it is certainly unfair and unjust to tell him "You will not be allowed to work and you will not have your wages for another two days"!

Sir Hormasji Peroshaw Mody: Sir, I should not have thought it necessary to intervene in this debate but for the fact that a certain amount of prejudice seems to have been created. It seems to have been assumed by some of my friends who have supported the amendment that it contemplates a wanton termination of services on the part of an employer and therefore the employee is entitled to a certain amount of sympathy and should not have his wages withheld for any longer period than is strictly

[Sir Hormasji Peroshaw Mody.]

necessary, and that on the very same day his services are terminated he should be paid. An employer does not often wantonly turn out an employee. An employee may be turned out for a variety of reasons; he may have been guilty of insubordination or misconduct, which made it necessary for the employer to terminate his services on the spot. As a matter of fact, if it were not for such reasons, the employer would be bound to give notice; he could not possibly turn a man out suddenly without paying him wages for a fortnight or whatever other period is laid down in the contract of employment. In brief, Sir, the words "where the employment of any person is terminated by or on behalf of the employer" must not be held to mean, what has been sought to be conveyed by the speeches of some of my friends, that they apply only to cases of wanton termination of the services of an employee.

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

"That in sub-clause (2) of clause 5 of the Bill, for the words 'before the expiry of the second working day from' the word 'on' be substituted."

The motion was negatived.

Mr. N. M. Joshi: Sir, I move:

"That after sub-clause (2) of clause 5 of the Bill, the following new sub-clause be inserted and the subsequent sub-clauses be re-numbered accordingly:

'(3) Where the employment of any person is terminated by the employee with due notice or where he goes on leave with the permission of his employer, his wages shall be paid on the day on which he terminates his service or on the last working day before his leave begins'."

Sir, the present amendment deals with the case of an employee who gives sufficient notice to his employer of his intention to leave on a particular day. The object of my amendment is this, when an employee has given notice of his intention to leave service on a particular day, he should be paid on that very day. Secondly, my amendment also provides when a man goes on leave with the permission of his employer, he should get the wages earned by him up to the time he was working on the day on which his leave began. When a man gives sufficient notice to his employer that he is going to leave on a particular day, I think he is entitled to get his pay on the very day on which his service terminates. I cannot understand the morality of detaining a man, who gives notice and terminates his service, to receive payment. It is said that an employer will not be able to make proper calculations, and, therefore, he can make the worker suffer two days' wages, but the employer is not willing to pay two days' wages without taking work from the employee. Now, I want to ask any Honourable Member of this House as to who is in a better position to make a sacrifice of two days' wages, whether the employer can afford to pay two days' wages without taking any work so that he can make calculations or the employee. The employer's difficulty is he cannot make calculations. My suggestion to him is that he should pay his employee two days' wages without taking work from him,—but the employer says: "No, I must take work from the man till the last moment but I shall not pay him immediately because I find it difficult to calculate",—and, therefore, what follows? The poor employee suffers a loss by waiting for two days or for whatever period it may be. I want to ask what is the morality in this? If there is any sacrifice to be made, I ask whether it should be made by the employer or by the employee. I am quite willing

to accept that in certain cases calculation of wages may cause a difficulty, but if on account of that difficulty any sacrifice is to be made by any of the parties, I want to know which party should make that sacrifice, the employer or the employee? You compel the employee to make that sacrifice even when he has given you notice and has done everything necessary in accordance with the law, but simply because there is some difficulty in calculating wages you make the poor employee suffer. Sir, I feel there is no morality in this.

Secondly, my suggestion is as regards leave. When an employer gives leave to his employee, what is the fun of his being asked to wait for days for the payment of his wages? For instance, an employer gives leave to his employee say on the 15th of January and he has to receive his pay before proceeding on leave. He will be told by the employer—"although your leave is sanctioned your wages will be paid on the 10th of February". How is the employee to go on leave without receiving the payment? In big factories the wage period is the 10th day of the month, and, therefore, if the employee's leave is sanctioned, say, from the 10th or 15th of January, how can he go on leave without receiving his wages, if his wages will be paid only on the 10th of February. Sir, so much has been made about convenience of the employer, and I want to know if any attention has been paid to the convenience of the employee. What is the use of your giving him leave if you cannot pay him for the day- he has worked? This point has been very ably dealt with by the Labour Commissioner of Bombay. Unfortunately, sheer physical exertion prevents me from reading a long passage, but I can tell the House this much, that the Labour Commissioner has explained fully to what evil this practice leads. He says, if a man gets leave, but he does not get his wages, he goes to a *sowcar* and tells him: "My pay is to be received by the 10th of February, will you lend me some money, I shall give you my authority to receive my pay". Of course, the *sowcar* readily accepts this proposal, because it is his business to lend, he charges interest and the poor employee loses. This practice of not paying an employee when he goes on leave leads to what is called in Bombay the *Havala* system. The man gives a letter of authority to receive his pay to a *sowcar*. The employee takes a loan from the *sowcar* asking him to charge him whatever interest he likes. The Labour Commissioner makes it quite clear that this evil practice can be stopped by giving the pay to the man more promptly. He also points out that if the employer does not pay the employee when the latter goes on leave, the employee will court dismissal by doing something wrong, because he knows he can demand payment when he is dismissed, before two days. Instead of getting leave in a regular way, in order to get money, the employee will court dismissal and compel the employer to pay him before the second day is over. I feel, Sir, that my amendment will avoid these evils.

Sir, much has been made about the inconvenience that would be caused to the employer. Personally, I think there can be no inconvenience. He can easily pay the man on the day on which he goes on leave, and if there is a will to make calculations, I think those calculations can be made. If in Great Britain calculations of wages of 5,000 people can be made in one day, is it difficult to calculate the wages of 5 or 10 people who may be going on leave in one day? I can't understand the difficulty. You may say that it is difficult for the employer to calculate the wages of an employee when he goes on leave. But that is a position which I cannot understand and the House cannot understand, and I hope the House will support my amendment.

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

"That after sub-clause (2) of clause 5 of the Bill, the following new sub-clause be inserted and the subsequent sub-clauses be re-numbered accordingly:

'(3) Where the employment of any person is terminated by the employee with due notice or where he goes on leave with the permission of his employer, his wages shall be paid on the day on which he terminates his service or on the last working day before his leave begins'."

Dr. P. N. Banerjee: Sir, the amendment of Mr. Joshi appears to me to be a very reasonable one. If the convenience of any of the parties is to be consulted, whose convenience is it our duty first to consult? I think that the House will agree with me in saying that we should consult the convenience of the poor employee rather than the convenience of the rich employer. If we look at the question from that standpoint, we should all support the amendment.

The Honourable Sir Frank Noyce: I regret that I must oppose Mr. Joshi's amendment. There are two separate cases included in it. There is first the case of an employee who leaves his employment after due notice, and there is secondly the case of the employee who goes on leave. As regards the first of these, I find it somewhat difficult to understand why a man who leaves his employment should get preferential treatment over the man who is willing to continue in it. As my Honourable friend, Mr. Govind Ballabh Pant, has admitted, there is no hardship in asking that a man who leaves his employment should wait for his wages to be paid along with the others. As for the employees who take leave, I think in this regard, as is so often the case with Mr. Joshi, he overlooks the fact that this suggestion of his might work very definitely against the interests of the employee himself. After all, the workman goes on leave to suit his own convenience, and it seems to me somewhat unreasonable to suggest that in such a case the employer should be obliged to pay him with special promptitude. The result of the acceptance of Mr. Joshi's amendment might be either that the employer would refuse leave altogether, or else he might very well say: "If I have to pay you before you go on leave, you must wait and take your leave at the time stipulated by me and not that stipulated by you".

Mr. N. M. Joshi: Does that happen in Government service?

The Honourable Sir Frank Noyce: Leave is very frequently refused in Government service. It is not granted as a matter of right. Government servants are not ordinarily paid before they go on leave.

Mr. N. M. Joshi: When are you paid?

The Honourable Sir Frank Noyce: On the first of the month.

Mr. N. M. Joshi: You take advances, not only pay.

The Honourable Sir Frank Noyce: For these reasons, I must oppose the amendment.

Mr. V. V. Giri: I would like to make one observation on this amendment. Mr. Joshi's amendment says, "Where the employment of any person is terminated by the employee with due notice,....."—the

Honourable Member in charge did not give sufficient reasons why this should be opposed. As regards the second part of the amendment, there may be some opposition, but there is no reason why the first part should be opposed because the employee gives due notice of the termination of his service. I do feel that there ought not to be any difficulty for the Government in accepting at least the first part of the amendment of Mr. Joshi.

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

"That after sub-clause (2) of clause 5 of the Bill, the following new sub-clause be inserted and the subsequent sub-clauses be re-numbered accordingly:

'(3) Where the employment of any person is terminated by the employee with due notice or where he goes on leave with the permission of his employer, his wages shall be paid on the day on which he terminates his service or on the last working day before his leave begins'."

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): Mr. Joshi. No. 21*.

The Honourable Sir Frank Noyce: May I take a point of order? I submit that this amendment of Mr. Joshi is out of order as it is inconsistent with the preamble of the Bill. The preamble says, "Whereas it is expedient to regulate the payment of wages to certain classes of persons employed in industry . . ." This amendment deals with the payment of wages to the heirs of a deceased employee, and those heirs cannot be held to be employed in industry.

Mr. N. M. Joshi: I did not quite follow what the point of order was. "Regulate the payment of wages to certain classes of persons employed in industry". My amendment is as regards the payment of wages to the heirs. This is a point which I can understand a lawyer take, but I do not understand a member of the Indian Civil Service taking such a point.

The Honourable Sir Frank Noyce: If I may rise to a point of personal explanation, it is not a member of the Indian Civil Service who is taking the point of order. It is my Honourable Colleague, the Law Member, who took it in the Select Committee and objected to the amendment then as I am doing now.

Mr. N. M. Joshi: I now know who it is. I would like you, Mr. President, although you are a lawyer, to take a common sense view of this question. Technically the point is correct, but I think from the common sense point of view it is wrong. The Bill deals with the payment of wages of the employees. Actually to whom the payment is made—either to the employee or to his heir—is not such an important point. The Bill provides that the employer shall pay the wages earned by an employee, but whether the actual payment is made to the employee himself or to the representative of the employee is not such an important matter. I would, therefore, request you to hold my amendment quite in order.

*"That after sub-clause (4) of clause 5 of the Bill, the following new sub-clause be inserted:

'(5) The payment of wages to the heirs of a deceased employee shall be made in the manner prescribed'."

Mr. President (The Honourable Sir Abdur Rahim): I must rule this amendment† as being out of order as it really enlarges the scope of the Bill. It entails, for one thing, an enquiry as to who are the heirs of a deceased employee, and that is a matter not always free from very great difficulties. I, therefore, hold that the amendment is not in order.

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

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

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

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

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

"That clause 7 stand part of the Bill."

Mr. A. G. Clow: Sir, I beg to move:

"That in sub-clause (1) of clause 7 of the Bill, for the words 'by this Act' the words 'by or under this Act' be substituted."

This is little more than a verbal amendment. If Honourable Members will look at sub-clause (2) of clause 7, they will see that the deductions are authorised in some cases directly and in other cases can be authorised under certain orders. We have in the existing clause the words—'deductions of any kind except those authorised by this Act' and if the amendment is accepted, it will then read 'authorised by or under this Act'.

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

"That in sub-clause (1) of clause 7 of the Bill, for the words 'by this Act' the words 'by or under this Act' be substituted."

The motion was adopted.

Mr. N. M. Joshi: Sir, I beg to move:

"That sub-clause (2) (a) of clause 7 of the Bill be omitted.

This sub-clause enables an employer to deduct some amounts by way of fines and my amendment is that the employers should not have power to deduct the wages of an employee by way of fine. If the employer has some complaint against his employee and some damage has been caused, the way to the law Court is always open to the employer. Mr. President, the system of fining is a wrong one. It does not serve any purpose. If

† "That after sub-clause (4) of clause 5 of the Bill, the following new sub-clause be inserted:

"(5) The payment of wages to the heirs of a deceased employee shall be made in the manner prescribed."

it is intended as a penalty you must make it very heavy indeed in order to make it effective, which the law will not permit you to do. Even the Bill will not permit the employer to impose a very heavy fine. This is intended to prevent heavy fines being imposed by employers. It is also not reformatory. You cannot reform a man by fining him. There are some people who believe that you can reform people by fining them. That is a wrong view in my opinion. Generally a bad employer believes in it, as a bad father believes in caning his son and as a bad teacher believes in reforming his pupils by whipping them. A good teacher does not depend upon the cane for the maintenance of discipline. I think if a father or a teacher or an employer wants discipline to be maintained, he must in the first place show it by his own example. If they are disciplined, they have no right to impose discipline upon others. I do not wish, Mr. President, to make a long speech on this amendment but I must express my view that if discipline is to be maintained in factories, it could be maintained by the proper conduct of the employer himself. Secondly, he can do it by proper supervision and guidance. If that is not available, the employer must blame himself. This question was considered by a committee called the Truck Committee and a minority of that committee held the view which I am now putting forward. I am convinced of the rightness of my view by what they have written. I shall read only one or two short passages. The report is dated 1908, but unfortunately we have advanced a great deal backwards. Mr. Cadbury was asked a question about it. He describes in detail the supervisory system substituted for the system of fines and he gives his experience of the results of the two systems. Fines were not in any way reformatory. They had practically no influence upon the character of the offenders. Such influence as they had was of the moment only. The system did not lead to efficiency and did not weed out the real offenders. Asked what he would say upon the representation, frequently made to the Committee, that fines were almost a necessity in respect of late attendance, Mr. Cadbury replied:

"Our time keeping has very much improved since we abolished fines."

In illustration of this improvement, he informed the Committee that late-time cases fell from 115 in the year 1900 to 33 in the year 1905. Substantially we have eliminated lateness. The cases of bad work fell from 129 in 1900 to 19 in 1905. In Mr. Cadbury's opinion it would have been impossible to effect this result by a system of fines. This reduction in the number of offences was accompanied by a reduction in the number of discharges. It has been pointed out by several employers that if we do not give the power of fines they would have to dismiss people or discharge them. Mr. Cadbury's opinion is that if you abolish fines, the actual number of discharges is less and not more.

Sir Cowasji Jehangir: Was Mr. Cadbury in the majority or in the minority?

Mr. N. M. Joshi: Mr. Cadbury was a witness and he was a very good employer. The minority support his view and, therefore, they have quoted the evidence given by Mr. Cadbury. This is the view of the minority which I share:

"Dismissal is too generally considered to be an alternative to fining. It is its accompaniment. Supervision, with cautioning as one of its incidents, is the true

[Mr. N. M. Joshi.]

alternative. Dismissal, as before, would be an accompanying power in reserve but one upon which it would be diminishingly necessary to call and the workers, therefore, so far from being the losers, so far from exchanging into a harsher system would, in this respect as in others, gain by the abolition of fines. We emphasize this aspect, as there are some who, on all other grounds, would advocate the abolition of fines, who hesitate to do so lest the worker should be sacrificed. This consideration receives great weight in the report."

I hope these weighty words of Mr. Cadbury and the minority of this Truck Committee will be accepted by the Legislature and my amendment will be carried.

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

"That sub-clause (2) (a) of clause 7 of the Bill be omitted.

The Honourable Sir Frank Noyce: Sir, in view of the silence in all parts of the House, I do not think it is necessary for me to do more than to say that I oppose this amendment.

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

"That sub-clause (2) (a) of clause 7 of the Bill be omitted.

The motion was negatived.

Mr. J. A. Milligan: Sir, I beg to move the following amendment:

"That in part (e) of sub-clause (2) of clause 7 of the Bill, for the word 'other' the words 'amenities and' be substituted."

In many ways, Sir, clause 7 is the most important clause of this Bill, and in it the experimental features of this legislation come out most prominently, and, therefore, it is a clause in which great caution should be observed in the drafting. It aims at securing to the workers the payment of their wages without any illegitimate deduction, but at the same time the explanation contained in clause 7 (1), viz.:

"Every payment made by the employed person to the employer or his agent shall, for the purposes of this Act, be deemed to be a deduction from wages",

covers such a wide field of relationships between employers and employees in many industrial establishments that the amendment which I propose to sub-clause (e) appears to me to be essential. The words which I seek to introduce into the Bill are already used in clause 2 (v) (a), read with the amendment as accepted by this House already this morning, namely:

"The value of any house-accommodation, supply of light, water or medical attendance or other amenity or of any services excluded by general or special order of the Governor General in Council or Local Government".

The object of this amendment, Sir, is to make it possible for the Governor General in Council or the Local Government, as the case may be,

to safeguard all relationships and transactions between the employer and the employee which are deemed to be unobjectionable. The word "services" alone does not appear to cover all such transactions; for example, I do not think that it would cover the relationship of landlord and tenant which exists between the employer and the employed in plantation industries if not also in others. Payments made by the labourer to his employer on account of rent for the land which he holds should not be regarded as a deduction from his wages, as they are something entirely apart from his regular employment. For these reasons, Sir, I move the introduction of these words into part (e) of sub-clause (2) of clause 7 of the Bill.

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

"That in part (e) of sub-clause (2) of clause 7 of the Bill, for the word 'other' the words 'amenities and' be substituted."

Mr. A. G. Clow: I wish, Sir, briefly to support this amendment. It corrects an error brought to our notice: and if Mr. Milligan had not put it in, I should have put it in myself. The word 'other' in clause 7 (2) (e) is an error because it alludes to "house-accommodation" in the previous sub-clause and this is earlier described as an amenity and not as a service.

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

"That in part (e) of sub-clause (2) of clause 7 of the Bill, for the word 'other' the words 'amenities and' be substituted."

The motion was adopted.

Mr. N. M. Joshi: Sir, I move:

"That to sub-clause (2) (e) of clause 7 of the Bill, the following *Explanation* be added:

Explanation: The word 'services' in this sub-clause does not include the supply of tools and raw materials required for the purposes of employment."

These words, Sir, "tools and raw materials" did occur in the original Bill which was introduced by Government in the years before 1933. The Government of India changed their mind in 1933 and dropped those words. I think, Mr. President, if the dropping was deliberate and intentional, the fact should be brought out. As I have said, the word "services" is likely to be interpreted as meaning the supply of tools and raw materials; the word "services" should not be interpreted to mean the supply of tools and raw materials. Sir, I think my amendment carries out the original intention of the Government of India and I hope, therefore, they will accept it.

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

"That to sub-clause (2) (e) of clause 7 of the Bill, the following *Explanation* be added:

Explanation: The word 'services' in this sub-clause does not include the supply of tools and raw materials required for the purposes of employment."

The Honourable Sir Frank Noyce: Sir, I accept the amendment.

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

"That to sub-clause (2) (e) of clause 7 of the Bill, the following *Explanation* be added:

Explanation: The word 'services' in this sub-clause does not include the supply of tools and raw materials required for the purposes of employment'."

The motion was adopted.

Mr. J. A. Milligan: Sir, I beg to move:

"That to part (i) of sub-clause (2) of clause 7 of the Bill, the following be added:

'or any provident fund approved in this behalf by the Local Government, during the continuance of such approval'."

I think it is well-known to Members of the House that there exist in India very many provident funds which do not come within the scope of the Provident Funds Act and are not recognised by section 58A of the Indian Income-tax Act. Many of those funds are not only managed on the soundest lines but also give very generous terms to their members: and it seems to be a very drastic step, by a stroke of the pen in a sub-section of the Bill for the payment of wages, to wipe off the slate all such provident funds as far as participation in their benefits goes for labourers. Sir, I move.

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

"That to part (i) of sub-clause (2) of clause 7 of the Bill, the following be added:

'or any provident fund approved in this behalf by the Local Government, during the continuance of such approval'."

Mr. N. M. Joshi: I do not oppose this amendment, but at the same

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time I should like to request the Government to consider the question of framing legislation for the regulation of the General Provident Funds. It is a very important subject, and I hope the Government of India will give attention to it, so that, although we would like to have provident funds, these provident funds should be put on a sound basis.

The Honourable Sir Frank Noyce: I have, Sir, great pleasure in accepting this amendment. We have had, as the House knows, a prolonged opportunity for further consideration of this Bill since the September Session and during that period it has come to our notice that there are a number of provident funds conducted entirely in the interests of poorer employees which it would be a great pity to extinguish as they would be extinguished if the Bill were to stand as it is. I have before me an interesting case which has been brought to our notice from Rangoon. There is a company there which had a provident fund for its employees drawing between Rs. 80 and Rs. 200 per month. In order to do something for the employees earning less than Rs. 30 a month, the company devised an anna provident fund which, according to information received from the Commissioner of Income-tax, Burma, is a very sound fund, is run on excellent lines and is doing good work. That, Sir, is a form of insurance for the work people which deserves all the encouragement that can be given to it and it is for that reason that I am very glad that Mr. Milligan has brought this point to our notice. I am also glad to find that there is general

agreement on all sides of the House that the provident funds mentioned in this amendment should be recognised. I accept the amendment.

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

"That to part (i) of sub-clause (2) of clause 7 of the Bill, the following be added: 'or any provident fund approved in this behalf by the Local Government, during the continuance of such approval'."

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.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 6th February, 1936.

Mr. S. Satyamurti: My Honourable friend referred to some instructions on this matter the other day. May I know if those instructions are confidential, or if they will be placed on the table of the House?

Mr. G. E. F. Tottenham: The general instructions are contained in the Army Act and Regulations. These are not confidential documents and there are copies in the Library of the House.

RE-BUILDING OF QUETTA.

91. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) at what stage the question of reconstructing Quetta now stands;
- (b) whether they will consult the Legislature before making up their mind on this matter; and
- (c) if not, why not?

Sir Aubrey Metcalfe: (a) The Honourable Member's attention is invited to the Government of India's Press Communiqué, dated the 23rd December, 1935, a copy of which I will lay on the table.

(b) and (c). It was impracticable to delay a decision in this matter until the next meeting of the Legislature but as will be seen from the Communiqué, it issued after consultation with the non-official Committee which was set up in pursuance of the undertaking given in the debate on Quetta in the Assembly on the 19th September, 1935, and which contains four Members of the Legislature.

Mr. S. Satyamurti: May I know if it is a fact that a non-Indian engineering expert has been imported to advise Government on the re-building of Quetta, and, if so, the reasons why no Indian was appointed?

Sir Aubrey Metcalfe: I think a separate question has been put down on that subject. In any case, I do not think it arises directly out of this question. The answer will be supplied in due course to that question.

Mr. S. Satyamurti: May I know the reasons for the decision to rebuild Quetta on the same site, and why Government rejected alternative sites?

Sir Aubrey Metcalfe: If the Honourable Member would be good enough to read the very lengthy communiqué which was issued on the subject, he would find the reasons there stated.

Mr. S. Satyamurti: Have Government considered the possibility of earthquakes again there?

Sir Aubrey Metcalfe: There is always the possibility of earthquakes anywhere. Government fully realise that.

Mr. S. Satyamurti: Do Government realise that it is in a region which is particularly susceptible to earthquakes?

Sir Aubrey Metcalfe: It is perhaps more liable than some other places, but susceptibility is a different matter.

QUESTIONS AND ANSWERS.

Dr. Ziauddin Ahmad: Is it not a fact that the place where the earthquake has occurred recently is less liable to repetition of earthquakes than any other place?

Sir Aubrey Metcalfe: That again is largely a matter of opinion on which I am not able to state any view.

Mr. Lalchand Navarai: May I know if there is no other place on which new Quetta could be built?

Sir Aubrey Metcalfe: There are lots of other places, but anybody who reads this communiqué will know exactly what Government's position is, what the decision is and why that decision was taken. And I submit that Honourable Members might read that communiqué instead of asking me to expound bits of it. I am now laying on the table a copy of the communiqué in case they have not read it in the papers.

Communiqué.

The following statement of the views of the Government of India regarding the future of Quetta is issued after consultation with the non-official Committee the constitution of which was announced by Government in their Press Communiqué of the 14th October, 1935.

There are two aspects of the very difficult problem that has been created by the disastrous Earthquake at Quetta. The first is the official aspect. Do the requirements of Government, military and civil, render it necessary to retain in Quetta (or in any other place in Baluchistan) the same, or approximately the same, official organisation as existed before the Earthquake?

The second, and perhaps more difficult, is the non-official aspect. Is it necessary or desirable to impose any restrictions on the return to Quetta (or other place in Baluchistan) of a civil population comparable in size to that which suffered so severely at the end of last May?

2. The answer to the second question depends largely on the answer to the first; and therefore it was the obvious duty of the Government to make up their minds first of all about their own requirements. They have now completed this task, after consulting all the experts and all the official interests concerned, and their broad conclusion is that official Quetta should be rebuilt, so far as possible, on the existing site, and that earthquake-resisting buildings should be provided for all permanent employees of Government who may be required to live and work there in future.

3. The steps that have led to this conclusion may be described as follows:—

In the first place, Quetta is one of the two great spear-heads of the defence of India. The garrison there is in the best position to act in defence of Western India from external aggression and to control the tribes and maintain peace and order in the Southern portion of the 600 miles of the North-Western Frontier of India. It has the further advantage that its climate permits troops to remain there and conduct their training throughout the year; and incidentally it possesses the only practicable site for an Aerodrome anywhere on the line from Sibi to the frontier. Military stores of all kinds have to be held in bulk in Quetta owing to the liability of the railway further back to interruption by flood or earthquake.

It is therefore necessary for the military garrison to remain in Quetta in much the same strength as at present.

4. In the second place, it follows that, if the troops must remain in Quetta, it is highly desirable, if not essential, that the headquarters of the civil administration should be located in the same place.

LEGISLATIVE ASSEMBLY

Thursday, 6th February, 1936.

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

QUESTIONS AND ANSWERS

ALLEGED ASSAULT ON A STAMP VENDOR BY BRITISH SOLDIERS AT AMBALA.

90. *Mr. S. Satyamurti: Will Government be pleased to state;

- (a) whether their attention has been drawn to the accompanying news item† from Ambala published in the *National Cult* of the 3rd September, making allegations against British soldiers at Ambala of having assaulted a stamp vendor;
- (b) whether they have made any enquiries in the matter, and what the result of such enquiry is;
- (c) whether any action has been taken against these soldiers;
- (d) whether the Government have noted a recent tendency on the part of the British soldiers to get out of hand, and misbehave; and
- (e) whether Government propose to take any action thereon, and if not, why not?

Mr. G. R. F. Tottenham: (a) Yes.

(b) and (c). Yes. Two soldiers were tried by court-martial and sentenced to fourteen days' detention.

(d) There has been one case recently which has attracted public attention, but there has been no general tendency whatever of the kind referred to by the Honourable Member.

(e) Does not arise.

Mr. S. Satyamurti: With reference to the answer to clause (d), may I know whether, after the receipt of this question or about that time, the Army Secretary satisfied himself that on the whole British soldiers are behaving as they are expected to do?

Mr. G. R. F. Tottenham: It is not for the Army Secretary to satisfy himself; it is for the Commander-in-Chief to satisfy himself. The Commander-in-Chief is responsible for the discipline of the army, and I may say that the Commander-in-Chief has satisfied himself on that point. We maintain the most careful statistics of cases of lack of discipline in the British army, and those statistics show a distinct improvement during the last 10 or 12 years, apart from the one very bad case at Benda last year.

†Sent to the Department concerned.

5. Thirdly, it is obvious, provided that reasonable security can be ensured, that there are great practical advantages in having an existing framework, however, distorted it may be, on which to base reconstruction. An entirely new water-supply system, for instance, even if it were possible, would add very greatly to the cost; and any new alignment of the Railway or alteration in the position of the station at Quetta would be extremely expensive in any case, and even more so owing to the great engineering difficulties involved.

6. There remains, therefore, the safety aspect to be considered; for whatever may be the strategic importance of Quetta or its advantages from other points of view, Government could never deliberately ask their servants to return to it, if they were to be exposed to the risk of a repetition of the recent disaster. This aspect of the matter has accordingly been the subject of the most anxious and careful examination by experts.

7. The view of the Director of the Geological Survey of India, reinforced by that of experienced engineers, is that earthquake-proof construction will be a necessary precaution anywhere in Baluchistan; and that, if this precaution is adopted, reconstruction in Quetta itself is likely to be just as safe as, if not safer than, building anywhere else in Baluchistan. The whole of Baluchistan must be regarded as an earthquake area in which further shocks may be expected to occur from time to time but earthquake shocks in Baluchistan are not due to volcanic activity and therefore they are unlikely to recur in the same regions. They are the result of a condition of special strain in the rock formation of the area; the sudden movement of the rocks under enormous pressure causes the earthquake; but the movement itself relieves the stresses to which they have been subjected in the past and therefore reduces the likelihood of future earthquakes in the same place. Past experience shows that the focus of earthquake activity in Baluchistan has gradually been moving in a north-westerly direction and the probability therefore is that, if further serious shocks do occur, their epicentres will not be on the same line as the earthquake of May 31st.

The numerous tremors and after-shocks that have occurred in Quetta since May 31st are the normal accompaniment of every severe earthquake; and so far from their being regarded as the precursors of another severe shock; there is good reason to believe that Quetta is a safer area to build on than any area to the north or north-west.

8. Apart from this generalisation as to the probabilities of the future, regarding which of course there can be no absolute certainty, there are the following most important facts:

- (1) The intensity of the earthquake in Quetta over a limited area was extremely high—higher than that of the Bihar earthquake—and yet such earthquake-proof buildings as there were in that area withstood the shock, while even ordinary buildings solidly constructed with good mortar were not seriously damaged. It was the extremely poor quality of the building in Quetta City that contributed more than anything else to the magnitude of the disaster.
- (2) There is no place in Baluchistan within a radius of 150 miles from Mastung where it would be legitimate to build in future without taking special precautions against earthquakes, and the standard of these precautions would probably have to be the same everywhere in this area.
- (3) The extra cost of earthquake-proof construction, as compared with a normal standard of good building, is not great for small houses of not more than a single storey. It is in the building of a second storey, and, even more, of a third, that heavy additional expenditure becomes necessary.

9. The only other point that perhaps deserves mention is the fact that there are certain areas in Quetta which are liable to malaria and also certain areas which would probably feel the effects of any future earthquakes rather more severely than the rest. These areas roughly coincide, and are situated in the low-lying and water-bearing tract which runs along the western side of the city—where the civil lines are now located—through the railway area and thence northwards past the R. A. F. lines. Non-water-bearing soil, such as the rising ground towards the Staff College, transmits shocks with less severity. Even in these areas, however, buildings of a proper type of construction would be safe and, if they must be built upon, they can be protected by special anti-malarial measures. On the other hand, according to a recent expert investigation of the malarial problem in Quetta, the site of the old city itself is as healthy as, and possibly healthier than, most others in the surrounding valley, and much can be done to make it healthier still by utilising the debris on the site to fill up depressions which now collect water and provide breeding places for mosquitoes.

10. The actual requirements of the civil administration in Quetta, e.g., in the matter of police, hospitals, schools, etc.—will of course depend largely on the extent to which a city of the pre-earthquake dimensions springs up again in the vicinity of the cantonment. It is necessary therefore to turn to the second broad aspect of the whole problem—the non-official aspect or, in other words, the rebuilding of the city.

11. The two possible alternatives may be set side by side as follows:

I

A cantonment containing all the essentials for the civil and military sides of the Government with a bazaar and shopping centre commensurate with official needs.

A city at some distance from the cantonment, on an entirely new site, to serve the needs of trade and a health resort in the hot weather.

II

A military cantonment, as at present, with some small regimental bazaars and its own municipal services.

A Municipality adjoining the cantonment, containing Civil Lines and a city, with a separate set of municipal services and shops, serving both the needs of the official population (civil and military) and also the requirements of trade and a health resort during the hot weather.

12. From the purely official point of view, the first alternative is to be preferred. The presence of a large city in the close vicinity of a cantonment is never desirable. It was undoubtedly the presence of the troops that led to the growth of the city that has just been destroyed. It was not necessarily for trade purposes before the cantonment was built, and even though it did become a centre of traffic for certain forms of merchandise between Afghanistan and India before the earthquake, this traffic must necessarily be diverted into other channels for the next few years and may be slow to return. On the other hand, memories are short. The recent catastrophe may produce a deterrent effect for some time, but a period of immunity from shocks will soon lead to forgetfulness of the past and the natural tendency will be for traders and others to settle in the vicinity of the troops and gradually rebuild a city of, or approaching, the old dimensions. Nor is it easy to see how any positive check can be applied. An alternative site, whatever its natural advantages, would never become popular if it was far removed from the protection that the troops afford and the money that the troops have to spend. Moreover, it is an undoubted fact that, without a city of the pre-earthquake character, the cantonment would have to be provided with a Sadar bazar and a shopping centre of a very considerable size, and experience in other places has shown that the methods of cantonment administration are not particularly well adapted to the running of extensive bazaar areas.

13. Then again there is the question of private rights in the land that now lies buried under the ruins of Quetta City. Some of this land may never be claimed; the owners of other portions of it may never wish to return; but if the old City is to be replanned on broader and safer lines, some dislocation of existing rights will be inevitable. The settlement of these and similar problems will be difficult enough, but a decision to prohibit rebuilding on the existing site would involve the extinction of private rights altogether and would give rise to an even more serious set of problems. Moreover, there is no other site on which the city could be rebuilt in the immediate vicinity of the cantonment and within reasonable distance of the Railway station; nor, even if such a site were available, would the cost of building be lower or the risk of inhabiting it any less.

14. On the other hand, the salvage operations now in progress will eventually clear the existing site, leaving a framework of roads, drains and electric and water mains on which the plan of a new and better city can be laid out. The width of many roads will have to be increased; stringent building regulations will have to be laid down and rigorously enforced; and, if the population ever reaches pre-earthquake dimensions, a considerable expansion of the superficial area will become necessary. With these developments in view, Government have engaged the services of a town-planner to secure the lay-out of the new city on modern scientific lines and with, so far as possible, protection against future disaster, disease and epidemic. To provide for the anticipated expansion, they have under consideration the acquisition of certain land to the south and south-east of the present city and are issuing at once a

notification under Section 4 of the Land Acquisition Act in respect of it. For the new lay-out, certain land within the existing municipal area east of the Lytton Road will also be required, e.g., for the widening of roads. The particular portions required cannot be known until the site has been cleared and a decision arrived at on the expert advice regarding the new lay-out. It is possible that as a result of Government's own operations on site clearance or of speculative sales effected before Government's requirements in this area are finally known, the price of land might be unduly inflated. To obviate this possibility, while having no intention of acquiring the whole municipal area east of the Lytton Road, Government have decided to issue a notification under Section 4 of the Land Acquisition Act in respect of it also. It is doubtful if salvage and site clearance operations in the city can be completed before late in the summer of 1936 and bearing in mind cold weather conditions in Quetta it appears most unlikely that non-official reconstruction on any large scale could commence before April 1937.

15. These facts and difficulties must all be faced; but the conclusion to which they point and which the Government themselves feel compelled to adopt is that, if the civil population desire to return to the vicinity of Quetta, they must be prepared to reoccupy the site of the old city and to accept, as a condition of their return and in their own interests, the need for a better, and therefore a more expensive, standard of building than was permitted in the past.

16. In order to mitigate the hardship caused to property owners in Quetta City by the earthquake, the Government have decided to clear and level the old site at Government expense. They have also adopted the following measures to secure the expedition of salvage and site clearance. A senior officer of the Political Department has been recalled from leave and posted to Quetta with instructions to organise these operations in such a manner as he considers necessary for more rapid and efficient progress. In consultation with the non-official Committee the constitution of which was announced by Government in their press communique of the 14th October 1935, the strength of the labour forces has already been increased by half, and the number of officers from two to seven. By the middle of January it is anticipated that two full battalions will be employed with eight officers in all. The number of assistants to the Claims Commissioner was raised some time ago from two to three and as soon as the increase in the strength of the labour force renders it necessary two more will be appointed. In certain limited areas of the city where conditions permit, facilities have been afforded, as an experiment, to private individuals under the supervision of local gentlemen, to salvage their possessions. This is, however, impracticable in the more congested wards where in the interest of expedition and of the protection of property rigid official control is required. Further the structural material of collapsed buildings cannot be extracted or identified without causing the progress of all salvage and clearance operations to be seriously retarded. Delivery of such material to individual owners is therefore impracticable and much of it would be valueless because its use will not be permitted for purposes of reconstruction. In view of these considerations and also of the fact that Government are undertaking an expenditure on site clearance which would otherwise fall on property owners, they have decided to take all such material into their custody and to dispose of it at their discretion. In the event of its sale the proceeds will be credited to His Excellency the Viceroy's Relief Fund and will be earmarked, so far as may prove practicable, for the relief of owners of real property in Quetta City who suffered loss in the earthquake.

WITHDRAWAL OF INDIA FROM THE MEMBERSHIP OF THE LEAGUE OF NATIONS.

92. *Mr. S. Satyamurti: Will Government be pleased to state;

- whether their attention has been drawn to the letter of Mr. Subhash Chandra Bose, published in the *Hindustan Times*, regarding 'India and the League of Nations';
- whether they have considered all the facts and arguments stated in that letter; and
- whether they propose to take steps to withdraw from the League; and if not, why not?

The Honourable Sir Nripendra Sircar: (a) and (b). Yes. But I must not be understood to imply that Mr. Bose's statements of facts are in all respects correct.

(c) No. Government's reasons for declining to contemplate the withdrawal of India from the League have been stated in reply to more than one previous question and I would refer the Honourable Member in particular to my reply to part (e) of question No. 199 on the 23rd July, 1934.

Mr. S. Satyamurti: May I know if Government are satisfied that India has any effective voice in the League of Nations, and that is the reason why they want to continue there?

The Honourable Sir Nripendra Sircar: The answer surely is, yes; but I explained it in greater length in giving the answer to question No. 199.

Mr. S. Satyamurti: May I know if India has only to give an additional vote to Great Britain, and has no separate *locus standi*?

The Honourable Sir Nripendra Sircar: When I answered the first part in the affirmative, it follows that the second part should be answered in the negative.

Mr. S. Satyamurti: May I know if the Government of India were consulted in the recent discussions and decisions in the League of Nations about the Italo-Abyssinian conflict?

The Honourable Sir Nripendra Sircar: I shall require notice of that question.

SITUATION ON THE NORTH-WEST FRONTIER.

93. *Mr. S. Satyamurti: Will Government be pleased to state:

- whether their attention has been drawn to the accompanying extract from the *Statesman* about the situation on the North-West Frontier;
- whether they propose to take any action in respect of the situation on the Frontier mentioned therein; and
- if not, why not?

Sir Aubrey Metcalfe: (a) Yes.

(b) Both in the Mohmand country and the Hazara border such action as the situation demanded has been taken, and the tribes have accepted Government terms.

(c) Does not arise.

Mr. S. Satyamurti: May I know if the present position on the frontier is such as to give satisfaction to my Honourable friend and to his Department?

Sir Aubrey Metcalfe: Yes, Sir. The Honourable Sir Nripendra Sircar: I have referred to the Department concerned.

LEVY OF EQUAL DUTIES ON BRITISH AND OTHER GOODS.

94. *Mr. S. Satyamurti: Will Government be pleased to state:

- whether their attention has been drawn to an article entitled 'Rejection by Implication' published in the *Hindustan Times*;
- why they have departed from the recommendation of the Tariff Board that equal duties should be levied on all goods whether from the United Kingdom or out of it; and
- whether the object was to give preference to British goods?

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

(b) The Honourable Member's attention is directed to the Statement of Objects and Reasons appended to the Indian Tariff (Textile Protection) Amendment Bill, 1934, and the debates in this House on that measure.

(c) No, Sir.

Mr. S. Satyamurti: What is the present policy of Government, with reference to giving preference to British goods?

The Honourable Sir Muhammad Zafrullah Khan: To carry out the engagements that Government have entered into.

Mr. S. Satyamurti: Apart from that, whenever any new question arises, may I take it that Government will follow the principle that equal duties shall be levied on all goods, whether from the United Kingdom or out of it?

The Honourable Sir Muhammad Zafrullah Khan: I do not know that that was laid down so clearly in the report of the Tariff Board. I believe they did say on page 154:

"If the trade agreement is ratified by the legislature, its application to the tariff scheme proposed by us will be determined on the basis that the specific duties as protective duties will be outside the scope of the agreement, while *ad valorem* duties as revenue duties will be subject to such arrangements as may be made by Government and the legislature in pursuance of the agreement."

Mr. S. Satyamurti: May I know whether Government have any policy, apart from giving such protection to Indian industries as they think ought to be given, whatever the country of origin of the goods may be as against which such protection is given or needed, whether it is Great Britain or other countries?

The Honourable Sir Muhammad Zafrullah Khan: Provided a case for protection is made out under the principles which have been so often explained on the floor of the House, yes.

Mr. S. Satyamurti: May I take it, therefore, that there will be no preference shown to Great Britain, if a clear case is made out that Indian goods want protection just as much from the competition of British goods as from non-British goods?

The Honourable Sir Muhammad Zafrullah Khan: The measure of protection must depend upon the findings arrived at on the materials placed before Government.

QUESTIONS AND ANSWERS.

Dr. Ziauddin Ahmad: Is it not a fact that the custom is levied according to the Tariff Act and this Legislature alone can change that tariff?

The Honourable Sir Muhammad Zafrullah Khan: Duties can sometimes be imposed by notification also.

Mr. G. Morgan: On a point of order, Sir. In all three of these questions, my Honourable friend simply mentions the paper in which these articles have appeared. Would the Chair direct that the date of the paper be always inserted? In question No. 95, it is done; but, in Nos. 98, 94 and 96, it is not done, and it is impossible to go through the whole file of papers to find out where these articles occurred.

Mr. President (The Honourable Sir Abdur Rahim): It is apparently an omission, and it ought to be rectified.

Mr. S. Satyamurti: I propose to follow the directions laid down yesterday.

PRICES OF PETROL.

95. *Mr. S. Satyamurti: Will Government be pleased to state:

- whether their attention has been drawn to the article, entitled 'Break the Monopoly' published in the *Indian Express*, dated September 6th, relating to petrol prices;
- whether Government propose to take any steps as suggested in the article; and
- if not, why not?

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

(b) No.

(c) Government have no reason to believe that there is any combination between oil companies to raise the price of petrol in India.

SILVER CRISIS.

96. *Mr. S. Satyamurti: Will Government be pleased to state:

- whether their attention has been drawn to an article entitled 'The Silver Crisis and after' in the *Hindustan Times*;
- whether they propose to take any action in the matter; and
- if not, why not?

The Honourable Sir James Grigg: I would invite the attention of the Honourable Member to the reply given by me in this Session to his starred question No. 31.

Mr. S. Satyamurti: Has the Honourable the Finance Member's attention been drawn to the statement that appeared in the *Hindustan Times* from London?

The Honourable Sir James Grigg: I saw that. The price of silver has been stabilised.

[6TH FEB. 1936.]

Mr. S. Satyamurti: When did the Government address His Majesty's Government on this matter?

Sir Girja Shankar Bajpai: The first communication was, I think, addressed to His Majesty's Government in October and the second in December, 1935.

Mr. S. Satyamurti: Have they heard in reply from His Majesty's Government?

Sir Girja Shankar Bajpai: No, Sir.

Mr. S. Satyamurti: Do they ever hear in reply from His Majesty's Government at all?

Sir Girja Shankar Bajpai: Oh, indeed, they do, Sir.

Mr. S. Satyamurti: What is the latest position in this matter, Sir?

Sir Girja Shankar Bajpai: The latest position is, as I have already stated, that we have addressed our representation but have had no reply.

Mr. S. Satyamurti: Has any action been taken in Fiji itself, by way of substituting election for nomination?

Sir Girja Shankar Bajpai: No, because, if action had been taken, we would know of it.

PROHIBITION OF MR. SUBHASH CHANDRA BOSE FROM VISITING ENGLAND.

101. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- whether it is a fact that Mr. Subhash Chandra Bose is prohibited from visiting England;
- if so, whether the Government of India were consulted in the matter, and what their advice was; and
- whether they propose to take steps to remove the ban on Mr. Subhash Chandra Bose's visit to England?

The Honourable Sir Henry Craik: (a) The position was recently explained in reply to a question in the House of Commons by the Under Secretary of State for India. I lay a copy of the question and of the reply on the table.

(b) and (c). The decision in regard to granting permission to visit England rests with the Secretary of State, and the Government of India were not consulted before the reply to which I have referred in reply to part (a) of the question was given.

QUESTION NO. 5, DATED 9TH DECEMBER 1935.

Mr. Thurtle:—To ask the Under Secretary of State for India, if he can say why Mr. Subhas C. Bose is not permitted to pay a visit to this country.

Answer to Mr. Thurtle's question No. 5, dated 9th December 1935.

The Hon'ble Member is presumably aware of Mr. Subhas Bose's connection with the Bengal Revolutionary Movement which made it necessary to order his detention in India under the Bengal State Prisoners Regulation. The sole reason

for his release from this detention in February, 1933, was to enable him to visit particular countries on the Continent where specialist medical treatment could be obtained. My Noble Friend considers that his presence in this country would be undesirable, and in view of the circumstances of his release is not prepared to authorise passport facilities for a visit to this country unless it can be shown that it is essential for the medical reasons for which the passport was originally granted.

Supplementary questions.

Mr. Thurtle: Will the Hon. Gentleman consider a revision of this ban if Mr. Bose will give an undertaking not to indulge in any political propaganda in this country?

Mr. Butler: I am afraid I can only undertake to reconsider the matter on a medical basis.

Colonel Wedgwood: Is it the fact that Mr. Sarat Bose, the brother, who was interned in Bengal, has been set at liberty and is free to carry on his normal occupation?

Mr. S. Satyamurti: Have the Government of India since been consulted, Sir?

The Honourable Sir Henry Craik: Consulted about what?

Mr. S. Satyamurti: By the Secretary of State on these matters.

The Honourable Sir Henry Craik: No, Sir.

Mr. S. Satyamurti: Do the Government of India propose to address the Secretary of State to remove any restriction in the way of Mr. Subhas Chandra Bose travelling where he likes?

The Honourable Sir Henry Craik: No, Sir.

Mr. S. Satyamurti: Why not, Sir?

The Honourable Sir Henry Craik: The Secretary of State has made up his mind.

Mr. S. Satyamurti: Did he make up his mind without reference to the Government of India at all?

The Honourable Sir Henry Craik: I said that the Government of India were not consulted.

Mr. S. Satyamurti: Are the Government of India satisfied that it is a just decision, and would they not take steps to advise the Secretary of State to remove an injustice?

The Honourable Sir Henry Craik: That is a matter of opinion.

PUNISHMENT OF AN INFORMER BY THE PRESIDENCY MAGISTRATE OF CALCUTTA.

102. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- whether their attention has been drawn to the article entitled 'Intolerable' published in the Hindustan Times regarding the punishment of an informer by the Presidency Magistrate of Calcutta;

- (b) whether they propose to take steps to abolish the system, and
(c) if not, why not?

The Honourable Sir Henry Craik: (a) Yes.

(b) No.

(c) Because Government have no reason to believe that investigating police officers do not weigh information carefully before acting on it, and because in dealing with certain kinds of crime, not only in India but in all parts of the world, the so called informer system is essential to successful investigation. In the case to which the writer of the article in the *Hindustan Times* refers, the important point to be noted is that the person who gave the false information was prosecuted and convicted, while the person against whom the information was given was not prosecuted though his house was searched. The writer is wrong in his statement of fact and the inference he suggests are entirely unwarranted by the facts of the case. He bases them on an isolated sentence which is included in the following extract from the judgment of the Chief Presidency Magistrate, Calcutta, who tried the case. This extract reads as follows:

"The learned counsel for the defence merely pleaded for a lenient sentence. He was about to give his reasons for making that submission when the court asked him if it was because the accused was only a hireling in the employ of Ram Prasad Bhakat's brothers. The Counsel replied that this was his sole ground for pleading for a lenient sentence.

While it is clear that the accused is a hireling, who did what he did for the sake of gain, that does not mitigate or minimise the serious nature of his offence. It would be an intolerable state of affairs, if in these times or at any time innocent men are to have revolvers stuck in their houses and information given to the police."

The facts of the case are that the house in which the revolver was found belongs to Ram Prasad Bhakat. Some person or persons in order to get him into trouble employed one Ram Chandra (the man who has been convicted) to plant a revolver in his house and to give information to the police. The Inspector of Police carefully weighed the information and believing it to be true obtained a search warrant from the Chief Presidency Magistrate. The Honourable Member will appreciate, therefore, that the house was searched on the authority of the Chief Presidency Magistrate who, in compliance with the law, must have satisfied himself that there were reasonable grounds for believing the information. It was the police who, by means of careful investigation, subsequently detected that the story told to them was false and consequently the informer was successfully prosecuted. Ram Chandra was not a regular Police informer and in fact was not known to the police before this case.

It is singularly malicious to base on this case, as did the writer of the article in question, the statement that "the police do not take the trouble to scrutinise the evidence before them and proceed on the assumption that their informers are absolutely truthful individuals". On the contrary this enquiry into the true facts of the case fortifies Government in their belief that investigating police officers carefully weigh information before acting on it.

Mr. S. Satyamurti: May I know if there are "regular police informers".

The Honourable Sir Henry Craik: That does not arise out of my answer. This man is not a police informer.

Mr. S. Satyamurti: I submit it does, Sir.

Mr. President (The Honourable Sir Abdur Rahim): That is a general question and cannot be incidentally dealt with in connection with this particular matter.

Mr. S. Satyamurti: He said in the course of his answer that this particular informer was not a "regular police informer".

Mr. President (The Honourable Sir Abdur Rahim): We are not dealing with the question whether there are police informers or not.

Mr. S. Satyamurti: Therefore, I want to elucidate that answer.

Mr. President (The Honourable Sir Abdur Rahim): Then the Honourable Member must put down another and a more comprehensive question whether there are police informers or not.

SITUATION ON THE NORTH-WEST FRONTIER.

103. ***Mr. S. Satyamurti:** Will Government be pleased to state:

(a) whether their attention has been drawn to the statement published in the *Statesman*, dated Simla, September, 7th, regarding Frontier situation; and

(b) what the meaning of the following sentence is: "The situation on the border is stated to be fully under control"?

Sir Aubrey Metcalfe: (a) Yes.

(b) The meaning of the sentence appears to be quite clear.

Mr. S. Satyamurti: Does it mean military control or friendly control or civil control?

Sir Aubrey Metcalfe: Fully under control: it is not necessary for me to specify the exact nature of the control.

Mr. S. Satyamurti: I am asking whether the situation on the border is kept under control, merely by continuous manifestation of military power, or by means of friendly arrangement with them, or because those people are willing of their own free will to accept the situation as they find it?

Sir Aubrey Metcalfe: What I should be inclined to say is that it is done by a judicious admixture of all the weapons at the disposal of Government.

Mr. S. Satyamurti: I want to know what is the percentage of the various ingredients in this mixture.

CASE OF THE EX-MAHARAJA OF NABHA.

104. ***Mr. S. Satyamurti:** Will Government be pleased to state whether their attention has been drawn to the questions and answers in the House of Commons regarding the case of the ex-Maharajah of Nabha?

Sir Aubrey Metcalfe: Yes, Sir.

Mr. S. Satyamurti: May I know what is the status of this *ex-Maharajah* of Nabha? Is he a political prisoner, or is he any longer a ruling prince?

Sir Aubrey Metcalfe: He is what is described as a *detenu* under a certain Regulation.

Mr. S. Satyamurti: How long has he been kept under this detention?

Sir Aubrey Metcalfe: I cannot give the Honourable Member the exact dates, but I can supply it if he wishes to know: it is some years.

Mr. S. Satyamurti: Are Government considering the question of releasing him, or removing the restrictions on him?

Sir Aubrey Metcalfe: I am afraid that I must raise a point of order on that as it concerns a question regarding the relations between the Governor General in Council and a Ruling Prince or Chief.

Mr. S. Satyamurti: May I have a considered ruling from you, on that point, Sir?

Sardar Sant Singh: May I know as a matter of fact whether the *ex-Maharajah* of Nabha is a ruling prince now?

Mr. President (The Honourable Sir Abdur Rahim): A question of order has been raised: the rule referred to by the Honourable the Foreign Secretary is that questions cannot be asked affecting relations with an Indian State. But the question here relates to the *ex-Maharajah* of Nabha who is no longer a ruling prince or head of a State.

Sir Aubrey Metcalfe: Any question, Sir, . . .

Mr. President (The Honourable Sir Abdur Rahim): The Chair has given its ruling.

Sir Muhammad Yakub: Is it a fact that the Congress pocket was benefitted from the purse of the *ex-Maharajah* of Nabha?

Mr. President (The Honourable Sir Abdur Rahim): That does not arise out of this.

Sardar Sant Singh: May I know whether it is a fact that the title of *Maharajah* has been taken away by the Government and whether he is now being detained as an ordinary citizen of the British Empire?

Sir Aubrey Metcalfe: I am not quite clear what my Honourable friend means by an ordinary citizen: I have explained already that he is a *detenu* under a certain Regulation.

Sardar Sant Singh: May I know what Regulation it is?

Sir Aubrey Metcalfe: As far as I remember, it is Regulation III of 1918.

Sardar Sant Singh: Does it apply to British subjects as well?

Sir Aubrey Metcalfe: It applies to all British subjects, I think.

Sardar Sant Singh: May I know if any allowance is being given to the *Maharajah* from the British revenues under the Regulation?

Sir Aubrey Metcalfe: No such allowance is given to him from Central revenues.

Sardar Sant Singh: Why has not an allowance been given to him from British revenues if he is detained under Regulation III of 1918?

Sir Aubrey Metcalfe: Because he has ample resources available from the State revenues.

Mr. Lalchand Navalrai: May I know if his title of *Maharajah* has been removed?

Sir Aubrey Metcalfe: I am not sure whether it has actually been removed, but he certainly does not use it.

Mr. S. Satyamurti: May I repeat my question, whether Government are considering the question of releasing this unfortunate man or removing the restrictions on him to any extent?

Sir Aubrey Metcalfe: So far as I know, that has not been considered.

EFFECT OF THE OTTAWA TRADE AGREEMENT ON INDIA.

105. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their attention has been drawn to the following statement of the Honourable the Finance Member in Bombay in answer to the Indian Merchants' Chamber: "I do not wish to prejudge the ultimate question of the Ottawa Agreements, but I personally am convinced that on balance and looking only to the next few years—which is all that anybody can do—the Agreements are more favourable to India than to the United Kingdom"; and
- (b) whether the Honourable the Commerce Member was consulted on this matter before the Honourable the Finance Member so expressed himself?

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

(b) I do not think the Honourable Member is entitled to inquire whether there has been or has not been consultation between members of Government over a particular question.

Mr. S. Satyamurti: I submit the point for your ruling, Sir. The Honourable Member is perfectly entitled to say that he will not answer my question: it is for him to say that; but I am entitled, when a member of the Government, of which my Honourable friend is also a member, says that he is convinced that the Ottawa agreements are more favourable to India than to the United Kingdom, to ask whether in making that statement he consulted my Honourable friend, the Commerce Member, who is, to the best of my information, formally in charge of such agreements.

[6TH FEB. 1936.]

Mr. S. Satyamurti: What will be the reaction of that on the Indian situation?

The Honourable Sir James Grigg: I have not yet considered that.

REPORT OF THE TARIFF BOARD ON THE PROTECTION TO THE PAPER INDUSTRY.

97. *Mr. S. Satyamurti: Will Government be pleased to state:

- at what stage their consideration of the Report of the Tariff Board in respect of protection to the paper industry stands;
- when they will publish their conclusions thereon; and
- whether they will be placed before the Legislature before Government make up their mind to proceed further?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Presumably the Honourable Member is referring to the Report of the Tariff Board on the Classification of Paper for tariff purposes. Government's conclusions thereon will be published as soon as a decision has been arrived at.

(c) If any changes in the tariff are proposed this House will have an opportunity to discuss them.

SITUATION ON THE NORTH-WEST FRONTIER.

98. *Mr. S. Satyamurti: Will Government be pleased to state:

- whether their attention has been drawn to the extract from the *Statesman* enclosed herewith regarding North-West Frontier situation;
- whether they have particularly considered the following remark—"The net result of all this spirited fun is a little hard to seek"; and
- whether they will enlighten this House on the position in the Frontier?

Sir Aubrey Metcalfe: (a) Yes.

(b) The comment has been noted and the conclusion of the operations has since provided the journalist with an answer.

(c) The operations referred to in the extract have since come to an end; the road has been prolonged to the heart of Mohmand territory, the tribes concerned have accepted Government's terms, and all troops have returned to their peace stations.

Mr. S. Satyamurti: When were these terms accepted by the tribes?

Sir Aubrey Metcalfe: Does my Honourable friend wish the exact date?

Mr. S. Satyamurti: Approximate.

Sir Aubrey Metcalfe: 15th October, 1935.

+Sent to the Department concerned.

Mr. S. Satyamurti: May I know if since that date Government are satisfied with the tribes, and that they are getting on well with regard to the terms of that agreement?

Sir Aubrey Metcalfe: I was informed by the Governor when I visited Peshawar a short time ago, that at present everything in the Mohmand country was extremely satisfactory.

Mr. S. Satyamurti: Then, may I know, Sir, why the President's car was shot at when everything was satisfactory?

Mr. President (The Honourable Sir Abdur Rahim): That does not arise out of the question.

IMPROVEMENT IN THE FINANCES OF RAILWAYS.

99. *Mr. S. Satyamurti: Will Government be pleased to state:

- whether their attention has been drawn to the leading article in the *Statesman* entitled "Indian Railway Finance";
- whether they propose to take any action in order to improve the same; and
- if not, why not?

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

(b) and (c). I hope to be able to say something on these matters in my speech introducing the Railway Budget on the 17th instant.

Mr. S. Satyamurti: May I know, Sir,—I do not want to anticipate my Honourable friend's Railway Budget speech—whether, in view of the very alarming state of affairs, Government are considering the question of not merely carrying on, but doing something drastic?

The Honourable Sir Muhammad Zafrullah Khan: I do not know whether it is possible for Government to do something drastic.

INDIANS IN FIJI.

100. *Mr. S. Satyamurti: Will Government be pleased to state:

- whether their attention has been drawn to the statement from Etawah published in the *Hindustan Times* regarding Indians in Fiji;
- whether they have received a copy of the Resolutions passed at the meeting; and
- if they propose to take any action thereon?

Sir Girja Shankar Bajpai: (a) and (b). Yes.

(c) The Government of India have represented to His Majesty's Government that they do not favour the proposal to substitute nomination for election to the Legislative Council.

In regard to the replacement of Municipal Councils by nominated bodies, the attention of the Honourable Member is invited to the reply given by me on the 12th September, 1935, to parts (d)–(g) of starred question No. 296 asked by Mr. Mohan Lal Saksena.

The Honourable Sir Muhammad Zafrullah Khan: I have given my reply to that question: that explanation merely explains what the Honourable Member asked. I perfectly understood all that and I say he is not entitled to ask whether members of the Government have had a consultation.

Mr. President (The Honourable Sir Abdur Rahim): The Chair thinks the Honourable Member means that it is confidential.

Mr. S. Satyamurti: Is that what you understand by the answer, Sir?

Mr. President (The Honourable Sir Abdur Rahim): That is what the Chair understands.

Mr. S. Satyamurti: Is that the Honourable the Commerce Member's opinion also?

The Honourable Sir Muhammad Zafrullah Khan: That, I think, the House will know during the course of the next week.

Mr. M. Ananthasayanam Ayyangar: How is it that the United Kingdom has allowed this pact to stand when it is to its prejudice and to its sacrifice?

The Honourable Sir Muhammad Zafrullah Khan: I am not the President of the Board of Trade.

REDUCTION OF TARIFF DUTIES.

106. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether there is any proposal being examined by them for the reduction of tariff duties in this country;
- (b) if so, what the tests are which will be applied; and
- (c) whether the whole matter will be discussed on the floor of this House before Government take any steps in the matter?

The Honourable Sir James Grigg: I have nothing to add to the reply which I gave to the Honourable Member's question No. 41.

Mr. S. Satyamurti: May I take it that the answer applies both to revenue and protective duties?

The Honourable Sir James Grigg: In so far as it definitely applies to anything, yes.

Mr. Satyamurti: I want to remind my Honourable friend that my earlier question was about revenue duties, unless I am mistaken.

The Honourable Sir James Grigg: I am sorry I misunderstood the Honourable Member's question: clearly any revision or study of the tariff which is being undertaken departmentally is confined to the revenue tariff.

GOVERNMENT'S POLICY REGARDING RATIO QUESTION.

107. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their attention has been drawn to the Honourable the Finance Member's statement to the Indian Merchants' Chamber that "I will be no party to any monkeying about with the present ratio";
- (b) whether this is the policy of the Government of India; and
- (c) if so, why?

The Honourable Sir James Grigg: (a) and (b). Yes.

(c) Because in our opinion this is in the best interests of India.

Mr. S. Satyamurti: What is the meaning of "monkeying about"? (Laughter.)

(No answer.)

DISTURBANCES IN SECUNDERABAD.

108. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) the cause of the recent disturbances in Secunderabad;
- (b) whether they have enquired into the matter; and
- (c) what their conclusions are?

Sir Aubrey Metcalfe: (a) The Honourable Member is referred to the answer given to part (b) of his question No. 36.

(b) Yes.

(c) The Government of India are of opinion that it was unwise to grant permission for the erection of a pandal which blocked the route used on previous occasions for this procession.

Mr. S. Satyamurti: Will Government satisfy themselves by inquiries hereafter of any settlement that may have been arrived at with the consent of the better minds of both communities concerned, so as to avoid any future disputes?

Sir Aubrey Metcalfe: I have already replied on a previous occasion in the affirmative to that question: we will certainly do what is necessary.

POSITION OF PRINCE ABDUL RAHMAN OF AFGHANISTAN INTERNED AT COONOR.

109. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) the position of Prince Abdul Rahman of Afghanistan (now interned at Coonor);
- (b) what is the kind of treatment meted out to him; and
- (c) whether they are giving him sufficient maintenance to keep him in comfort?

Sir Aubrey Metcalfe: (a) and (b). He is a State Prisoner, detained under Regulation III of 1818 for reasons of State.

(c) Yes.

Seth Govind Das: Has not this gentleman, who is detained at Coonoor, got some relations at Jubbulpore?

Sir Aubrey Metcalfe: I am not sure as to his exact relationship, but he is certainly connected with them.

Mr. T. S. Avinashilingam Chettiar: What is the reason for his detention at Coonoor?

Sir Aubrey Metcalfe: For reasons of State which I cannot explain without going into matters which it would be undesirable to make public.

Mr. S. Satyamurti: With reference to the answer to part (c) of the question, what is he actually being paid?

Sir Aubrey Metcalfe: I am not in a position to give the exact sum, but I could easily find it out and let the Honourable Member know if he desires it.

Seth Govind Das: If this gentleman has relations in Jubbulpore, then why is he separated?

Sir Aubrey Metcalfe: I do not think they wanted to be together, as far as I understand the position.

Mr. T. S. Avinashilingam Chettiar: From what funds are they paid?

Sir Aubrey Metcalfe: From the Central revenues.

Mr. T. S. Avinashilingam Chettiar: Under what head?

(No reply.)

ALLEGED SMUGGLING OF JAPANESE GOODS AND PASSING THEM OFF AS INDIAN.

110. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- whether they have received any representation drawing their attention to the efforts stated to have been made by certain Japanese piecegoods manufacturers to smuggle Japanese goods into India and pass them off as Indian;
- whether the facts stated in the accompanying newspaper cutting are correct; and
- whether they propose to enact suitable legislation to stop this undesirable practice?

The Honourable Sir Muhammad Zafrullah Khan: (a)—(c). Representations were received from certain commercial bodies. A copy of the Government of India's reply to those representations is laid on the table. I also lay on the table for the Honourable Member's information a copy of a press report on the subject which appeared in the Delhi issue of the *Statesman* of the 27th October, 1935.

COPY OF A LETTER No. 16-G. (M. M.)/35, DATED THE 6TH SEPTEMBER, 1935, FROM THE ASSISTANT SECRETARY TO THE GOVERNMENT OF INDIA, DEPARTMENT OF COMMERCE, TO THE SECRETARY, INDIAN CHAMBER OF COMMERCE, 135, CANNING STREET, CALCUTTA.

I am directed to refer to your letter No. C-723, dated the 13th July, 1935, regarding the offer made by the Osaka Manufacturers Association of Japan to the Mohini Mills Limited, Bengal, to undertake to stamp the words "Made in Japan" on their piece-goods in such a way that they may easily be removed and replaced by the name of the "Mohini Mills" and thus be passed on as of Indian Manufacture.

2. I am to observe, in the first place, that the proposal of the Japanese manufacturers involves the marking of the piece-goods in question with the words "Made in Japan" and that, therefore, at the time of importation the provisions of the Merchandise Marks Act are amply fulfilled. It is no doubt true that these words would be printed in delible ink, but you are no doubt aware that all markings of piece-goods are of this nature.

3. The fraud on the public which appears to be contemplated would be committed when, after importation of the goods and deletion of the original marks, the dishonest Indian importer exposes the goods for sale with false marks indicating that they were of Indian manufacture. In such circumstances the sellers would bring themselves within the mischief of sections 480 and 482 of the Indian Penal Code and section 6 of the Merchandise Marks Act. In these circumstances, it would appear to the Government of India that the law already sufficiently provides for the punishment of the fraud.

4. I am further to say that the Government of India have noted with great satisfaction on the action taken by the Mohini Mills in this matter. They venture to express the hope that this firm is far from being unique in deprecating attempts to practise a fraud which could only be carried out with the connivance of an importer in India.

Copy of a Press Report from Statesman, dated Delhi, the 27th October, 1935.

CHANGING MARK OF ORIGIN.

GOODS FROM JAPAN.

Alleged auction of a "Mr. Ghose".

From our Correspondent, Madras, Oct. 24.

The Southern India Chamber of Commerce has received a letter from the Consul-General for Japan at Bombay, stating that the Osaka Manufacturers Association, which is alleged to have offered to supply cotton goods to Indian merchants with the stamp of origin printed in erasable ink, was run by "a Mr. Ghose, an Indian."

The Chamber had made representations to the Government of India that the Osaka Manufacturers Association had offered to supply goods to Indian merchants, with the stamp of their origin printed with erasable ink so that they might be erased and the words "made in India" might be stamped instead on the goods.

The Consul General for Japan has since heard from the Japanese Foreign Office in Tokyo that the Osaka Manufacturers Association was being run by Ghose without the collaboration of any Japanese citizen. The Consul General adds: "Ghose was warned in 1934 by the Osaka police for alleged misconduct. The police inquired into the matter referred to and Ghose has since left Japan for India."

The Consul General also states that the Osaka Manufacturers Association has ceased to exist.

Mr. S. Satyamurti: Does the Honourable Member know that this matter was raised, to my knowledge, at least as early as a year ago in this House?

The Honourable Sir Muhammad Zafrullah Khan: Possibly it was.

Mr. S. Satyamurti: May I know whether the Government propose to enact suitable legislation to insist that every article imported into this country must bear on it the name of the country or its origin?

The Honourable Sir Muhammad Zafrullah Khan: So they do. Perhaps it would help the Honourable Member if I read out to him the copy of the letter to which I have referred in my reply, because that will explain the position better, and he will then realise that no further legislation is necessary. May I, Sir, read it out, with your permission?

Mr. President (The Honourable Sir Abdur Rahim): Unless it is too lengthy a document.

The Honourable Sir Muhammad Zafrullah Khan: No, Sir, it is not very long. The first paragraph is introductory. Then it says this:

"I am to observe, in the first place, that the proposal of the Japanese manufacturers involves the marking of the piece-goods in question with the words 'Made in Japan' and that, therefore, at the time of importation the provisions of the Merchandise Marks Act are amply fulfilled. It is no doubt true that these words would be printed in indelible ink, but you are no doubt aware that all markings of piece goods are of this nature.

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I am further to say that the Government of India have noted with great satisfaction on the action taken by the Mohini Mills in this matter. They venture to express the hope that this firm is far from being unique in deprecating attempts to practise a fraud which could only be carried out with the connivance of an importer in India."

Mr. S. Satyamurti: Have any prosecutions been instituted under the provisions mentioned by the Honourable Member?

The Honourable Sir Muhammad Zafrullah Khan: I have no information at present, but if the Honourable Member will put down a question, I will find it out.

CONTRACT FOR THE CONSTRUCTION OF THE NEW HOWRAH BRIDGE.

111. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- whether their attention has been drawn to the accompanying article† in the *Hindustan Times* entitled 'Germany in the running to build Howrah Bridge';
- whether the facts stated therein are correct; and
- what the latest position in the matter is?

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

(b) The Honourable Member is referred to the reply given on the 25th September, 1935, to the short notice question by Mr. Abdul Matin Chaudhury. The Government of India have no further information on the subject.

†Sent to the Department concerned.

(c) So far as Government of India are aware the tenders are still under consideration by the Howrah Bridge Commissioners and their Consulting Engineers.

Mr. S. Satyamurti: May I know, Sir, if the Honourable Member's attention has been drawn to a statement in the press that the Chairman of the Port Trust Commissioners, Calcutta, has recommended to the Commissioners that the contracts should be given to a British firm and not to an Indian Combine?

The Honourable Sir Muhammad Zafrullah Khan: My attention has been drawn to that statement in the press.

Mr. S. Satyamurti: May I know if the Government of India propose to take any action in the matter to ensure that this very valuable contract goes to the Indian Combine and not to any foreign firm?

The Honourable Sir Muhammad Zafrullah Khan: I wish the Honourable Member would tell me what action it is possible for the Government of India to take. In reply to the short notice question that was put to me in the last Session at Simla, I explained that the position was that, under section 5 of the Howrah Bridge Act, the matter of placing the contract lies in the hands of the Bridge Commissioners, subject to the approval of the Local Government of Bengal, and that, so far as this Statute is concerned and the power of placing this contract is concerned, the Government of India have no authority whatever.

Mr. S. Satyamurti: May I know if the Government of India will be good enough to address the Local Government of Bengal, and impress on them very strongly the feeling inside and outside this House that this contract should go to the Indian Combine?

The Honourable Sir Muhammad Zafrullah Khan: The Government of India trust that the Government of Bengal are fully aware of the feeling over the matter both in this House as well as outside it.

Mr. S. Satyamurti: May I know the reasons why the Government of India will not address the Bengal Government specifically on this matter?

Mr. President (The Honourable Sir Abdur Rahim): Isn't it a matter for the Local Government?

Mr. S. Satyamurti: It is also a matter on which the Government of India can surely address the Bengal Government. The Government of India do address Local Governments, and, as my friend reminds me, they addressed Local Governments on Empire Shipping. Surely, on this matter also, they can address the Local Government.

The Honourable Sir Muhammad Zafrullah Khan: As a matter of fact, I informed the House on the last occasion when questions were put to me on this subject, that the Government of India have addressed the Bengal Government to get all the information about the question, and, inasmuch as the House was anxious to know how the position stood, the Bengal Government are fully aware of the feeling in this matter.

Mr. M. Ananthasayanam Ayyangar: Is any portion of the Central revenues granted for the construction of this bridge?

The Honourable Sir Muhammad Zafrullah Khan: No.

SPEECH OF HIS HIGHNESS THE AGA KHAN AT THE LEAGUE OF NATIONS.

112. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- whether their attention has been drawn to the speech of His Highness the Aga Khan at the League of Nations;
- whether they propose to take any steps on the suggestions contained in that speech; and
- if not, why not?

The Honourable Sir Nripendra Sircar: (a) Yes.

(b) and (c). I am unable to identify the suggestions to which the Honourable Member refers. The speech, a copy of which is laid upon the Table, did no more than draw attention to certain points in respect of which the League has evoked criticism in India.

Speech made by H. H. Aga Khan at League of Nations Assembly on 13th September, 1935.

On the one subject that is dominating the mind of this Assembly there is much that I could say. But I am a man of few words, and I shall be brief.

In India criticism of the League of Nations is growing. India is troubled by the League's lack of universality, the incompleteness of its composition, and the tiny representation of Indians in its organisations. She is troubled by the great preponderance, as India sees it, of the energies the League devotes to Europe and in European interests. She is troubled by the magnitude of her own contribution to the League Budget—large in itself, for it is larger than the contribution of any non-permanent Member of the Council—disturbingly large when placed side by side with the poverty of so many of her many millions. She is troubled by the League's dramatic failures; troubled by the Disarmament Conference, long drawn-out, infructuous—and here I speak feelingly as a member of it from the beginning—whereas the re-armament of States Members is in full swing. She is troubled above all by the wars, declared or undeclared, that have been waged between its members.

And now a fresh trouble, greater than any of these, has arisen. Should the worst come to the worst—which God forbid—who dare foretell the evils, world spread, age-lasting, that might follow?

India's criticism of the League is directed to its shortcomings, not to the ideals of which the League was the outcome and which inspire her being. On the contrary, those ideals spring from the same source as India's own idealism, and the conception of collective security is appealing to Indian thought as the only alternative to international anarchy with ever-growing force.

The world is at the parting of the ways. Let wisdom guide her choice.

Dr. Ziauddin Ahmad: Sir, in view of the fact that we have been demanding a discussion on the question of the League of Nations during the last two Sessions, may I ask, Sir, if the Honourable Member in charge will be able to give us time this Session to discuss this question?

The Honourable Sir Nripendra Sircar: I think,—I speak subject to correction,—I said on the last occasion that if the Members felt that this matter should be discussed, then they ought either to give notice of a Resolution or to inform me. I think that was my answer, but I have not got the answer before me just now.

Dr. Ziauddin Ahmad: Sir, the Resolutions were tabled about half a dozen times, but they never came up. The Honourable Member, however, said in the Simla Session that he would give us time if the Leaders of Parties desired to have it. That was the reply.

The Honourable Sir Nripendra Sircar: Exactly, and there has been no response from the Leaders of Parties.

REPRESENTATIONS FROM THE HOSIERY MANUFACTURERS' ASSOCIATION, LUDHIANA.

113. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- whether they have received any representations from the Hosiery Manufacturers' Association, Ludhiana;
- whether they are examining the matter; and
- what steps they propose to take?

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

(b) and (c). The matter is receiving the consideration of the Government of India.

Mr. J. Ramsay Scott: May I ask what the subject matter is?

The Honourable Sir Muhammad Zafrullah Khan: The subject matter of the representation is with regard to duties on hosiery manufacturers.

PRICE OF SUGAR.

114. ***Dr. Ziauddin Ahmad:** (a) Is it not a fact that the price of Java sugar, after paying insurance and freight, and without custom duty, is Rs. 8-11-0 per maund?

(b) Is it not a fact that the price of sugar manufactured in India is Rs. 7-12-0 per maund at the factory?

(c) Is it not a fact that Indian consumers contribute about Rs. 4 extra for each maund of sugar they consume?

(d) In whose pocket does this contribution of Rs. 4 per maund go?

(e) What share of the profit goes to (i) Government, (ii) the growers of sugar-cane, and (iii) manufacturers of sugar?

Sir Girja Shankar Bajpai: (a) to (c). The price quotations of both Java and Indian sugar are fluctuating constantly, but the conclusion drawn in part (c) of the question is approximately correct.

(d) and (e). The difference between the two prices is shared by Government, sugar-cane growers, sugar manufacturers and others associated with the sugar industry directly or indirectly. It is not possible to determine the exact share of each.

Dr. Ziauddin Ahmad: Is it not a fact, Sir, that the price of sugar manufactured in India has gone up since I tabled this question?

Sir Girja Shankar Bajpai: As I have already stated in answer to part (a) the price fluctuates from time to time, and it is quite possible that at some stage it was slightly higher than the figure mentioned by the Honourable Member.

Mr. M. Ananthasayanam Ayyangar: Do Government propose to levy any further duty so as to increase the price of Java sugar?

Sir Girja Shankar Bajpai: I think the Honourable the Finance Member has stated more than once that he does not propose to announce his taxation proposals before the Budget.

Dr. Ziauddin Ahmad: Will the Honourable Member consider the point of view of the consumers also as they have to pay Rs. 7-12-0 for sugar instead of Rs. 3-11-0?

Sir Girja Shankar Bajpai: I think that my Honourable friend is rather late in putting forward the consumers' point of view.

DIMINUTION IN THE IMPORT OF SUGAR.

115. ***Dr. Ziauddin Ahmad:** (a) Is it a fact that the import of sugar during the first four months of the current financial year has been 50.95 lacs as compared with 68.38 lacs during the same months in 1934 and 103.34 lacs in the year 1933?

(b) What would be the effect on the revenue of Government of India on account of the diminution in the import of sugar?

(c) Have Government examined the detailed accounts of any factory in the United Kingdom? Is it running at a loss, or at a profit?

(d) Are Government aware that the definition of loss in the vocabulary of sugar manufacturers is the fall in the expected profit?

Sir Girja Shankar Bajpai: (a) Yes.

(b) The effect on the revenues of the Government of India can be estimated on the basis of the import duty on sugar, which is at present Rs. 9-1-0 per cwt.

(c) and (d). No.

Dr. Ziauddin Ahmad: As regards the examination of the accounts of sugar factories, may I ask whether this is not rather an important factor in determining in what proportion the sugar manufacturers are deriving benefit?

Sir Girja Shankar Bajpai: My Honourable friend's question is, "Have Government examined the detailed accounts of any factory in the United Kingdom?" As far as I know, they do not manufacture cane sugar in the United Kingdom. They manufacture beet sugar.

Dr. Ziauddin Ahmad: That is a misprint. However, I won't press.

USE OF MOLASSES.

116. ***Dr. Ziauddin Ahmad:** (a) Did Government receive any representation from the sugar manufacturers about the use of molasses?

(b) Have Government directed any research for extracting fuel oil from molasses?

(c) Are Government aware that the molasses, which is important by-product in the sugar manufacture, is now being buried, which is a dead loss to the country?

Sir Girja Shankar Bajpai: (a) Yes.

(b) No. The Honourable Member's attention is invited to the reply given on the 19th September, 1935, to Mr. Satyamurti's question No. 509.

(c) Government understand that purchasers exist for the whole of the Indian surplus of factory molasses.

Mr. T. S. Avinashilingam Chettiar: Are Government investigating the better uses to which the molasses can be put?

Sir Girja Shankar Bajpai: I think I stated in reply to the question to which I have already referred that alternative uses for molasses are under investigation.

EFFECT OF THE INCREASE IN THE IMPORT DUTY ON COTTON TEXTILES.

117. ***Dr. Ziauddin Ahmad:** (a) Will Government be pleased to state the effect of the increase in the import duty on cotton textile?

(b) Has the import from Japan increased or diminished?

(c) Has the total import of cotton textile increased or diminished?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (c). In the absence of information as to the particular increase of duty to which the Honourable Member refers, Government are not in a position to answer part (a) of the question. The Honourable Member, however, will find all the information he requires in the annual statements of the Sea-borne Trade of India.

Mr. M. Ananthasayanam Ayyangar: Will Government be pleased to state whether the quantity of grey goods imported has not increased over and above the quota prescribed?

The Honourable Sir Muhammad Zafrullah Khan: Prescribed from where?

Mr. M. Ananthasayanam Ayyangar: Under the Indo-Japanese Agreement. I want to know whether the quota prescribed for grey goods has not increased, and may I ask whether Government are watching the matter?

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

DEGREES IN HOMŒOPATHIC MEDICAL SCIENCE.

118. ***Dr. Ziauddin Ahmad:** (a) Are Government aware that bogus degrees in Homœopathic Medical Science are given by unauthorised person and bodies?

(b) Was this question considered by the Council of Medical Education?

(c) Are Homœopathic doctors recognised by the Council of Medical Education?

Sir Girja Shankar Bajpai: (a) Yes.

(b) No.

(c) The Council is concerned with the recognition of qualifications and not of individuals.

Dr. Ziauddin Ahmad: Is it not the duty of the Government acting directly or through some agency to see in the interests of the health of the people that bogus persons do not practise in the country?

Sir Girja Shankar Bajpai: In reply to previous questions, I have had occasion to state that the practice, whether by bogus or any other practitioner, of any system or so-called system of medicine is not prohibited by legislation in this country.

Mr. Lalchand Navalrai: May I know from the Honourable Member what is meant by bogus certificates? Does he mean certificates which are got from private persons or private companies or he calls them bogus because they are not Government certificates?

Sir Girja Shankar Bajpai: My Honourable friend—I am referring to Dr. Ziauddin Ahmad—would be able to explain more accurately than I his connotation of the word bogus, but for the general meaning I would refer Mr. Lalchand Navalrai to the many dictionaries which are in the Library of the House.

Mr. Lalchand Navalrai: My Honourable friend used the word “bogus” and did he then mean the dictionary meaning?

Sir Girja Shankar Bajpai: I never said that certificates of a bogus character were being given.

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

SENIORITY LIST OF CHARGEMEN AND ASSISTANT CHARGEMEN EMPLOYED IN THE ELECTRICITY DEPARTMENT OF THE NORTH WESTERN RAILWAY.

119. ***Mr. H. M. Abdullah:** Will Government be pleased to lay on the table the seniority list of Chargemen and Assistant Chargemen employed in the Electricity Department of the North Western Railway?

The Honourable Sir Muhammad Zafrullah Khan: Government have no information and do not consider any useful purpose will be served by collecting it, as seniority lists are matters of detailed administration in which full powers have been delegated to the Agent, North Western Railway.

ABSENCE OF AN OVERBRIDGE AT THE JARANWALA STATION ON THE NORTH WESTERN RAILWAY.

120. ***Mr. H. M. Abdullah:** (a) Are Government aware that at Jaranwala Railway Junction, on the North Western Railway, there is no overbridge to go over from one platform to another?

(b) Are Government aware that the present overbridge, being away from the platforms, does not serve any useful purpose?

(c) Are Government aware that passengers, for want of an overbridge on the platforms, have to cross the railway line at considerable risk?

(d) What steps do Government propose to take to remove this difficulty?

The Honourable Sir Muhammad Zafrullah Khan: With your permission, Sir, I will reply to questions Nos. 120 and 121 together. Government consider that these are matters of detail best left to the Local Advisory Committee to take up with the Administration. I am, however, forwarding a copy of the questions to the Agent, North Western Railway, for his examination.

Mr. Lalchand Navalrai: May I inform the Honourable Member that Agents do not allow the Local Advisory Committees to discuss such questions as the making of bridges. Does he know that?

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

Mr. Lalchand Navalrai: Will the Honourable Member call for replies from the Agents and place them before the House?

The Honourable Sir Muhammad Zafrullah Khan: I will not, but if the Honourable Member will bring to my notice any specific instance where consideration of such a question was ruled out by the Agent, I shall certainly look into it.

ABSENCE OF RAISED PLATFORMS AT THE JARANWALA STATION ON THE NORTH WESTERN RAILWAY.

+121. ***Mr. H. M. Abdullah:** Are Government aware that in the absence of raised platforms at Jaranwala Railway Station (North Western Railway) passengers are greatly inconvenienced? If so, what steps do Government propose to take in the matter?

UNDERBRIDGE BETWEEN LAHORE AND BADAMIBAGH STATIONS.

122. ***Mr. H. M. Abdullah:** (a) Are Government aware that the underbridge between Lahore and Badamibagh stations, just opposite the Sheranwala Gate, is too narrow?

(b) Are Government aware that traffic is ever increasing on this bridge, because the population on the other side of the line has considerably swelled now?

(c) Is it a fact that on rainy days water stands in that passage and renders it impassable?

(d) Is it a fact that there have been several accidents on that account?

(e) What steps, if any, do Government propose to take to remove this grievance?

The Honourable Sir Muhammad Zafrullah Khan: (a) The underbridge in question, which is 6' wide is not considered too narrow for the purpose for which it was built, namely, the passage of pedestrians and cattle.

+For answer to this question, see answer to question No. 120.

(b) Yes, but there is no valid reason why vehicular traffic should use it, as there are three other more suitable subways between Lahore and Badami-bagh, the nearest of which is only $\frac{1}{4}$ mile away from this particular under-bridge.

(c) During wet days water stands in the passage, but Government are not aware that it renders the passage impassable.

(d) No such accidents have been reported to the Railway Administration.

(e) Arrangements are now being made to drain the passage effectively and rail posts have been fixed at both ends to prevent the passage of vehicles but to allow free passage of animals and pedestrians.

CUSTOMARY LAWS PROVISIONS.

123. ***Mr. H. M. Abdullah:** Will Government be pleased to state if a provision similar to that contained in clause 27, Law and Justice Regulations (North-West Frontier Province), No. 7 of 1901, is contained in the Customary Laws of other provinces in British India, and if so, in which provinces?

The Honourable Sir Henry Craik: I would refer the Honourable Member to the provisions of the Acts and Regulations mentioned in the statement which I lay on the table.

Statement.

- (1) Section 26 of the Bombay Regulation IV of 1827.
- (2) Section 16 of the Madras Civil Courts Act, 1873.
- (3) Section 37 of the Bengal, Agra and Assam Civil Courts Act, 1887.
- (4) Section 3 of the Oudh Laws Act, 1876.
- (5) Section 5 of the Punjab Laws Act, 1872.
- (6) Section 13 of the Burma Laws Act, 1898.
- (7) Section 5 of the Central Provinces Laws Act, 1875.
- (8) Section 4 of the Ajmere Laws Regulation 1877.
- (9) Section 89 of the British Baluchistan Civil Justice Regulation, 1896.

PUBLICATIONS OF THE ARCHÆOLOGICAL DEPARTMENT.

124. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will Government be pleased to lay on the table a list of all the publications of the Archæological Department of the Government of India, the reports of the Director General of Archæology since the year 1920, and all the memoirs published up to date, indicating the cost of each publication, the year of each publication, the number of pages in each publication, together with a statement as to the number of copies sold of each publication?

(b) Is it a fact that some publications contain a very few pages, but the price is heavy, as, for instance, in the case of the publication entitled "Guide to Nizamuddin, Specimens of Calligraphy, etc."?

(c) When was the latest annual report of the Director General published and to what year does it relate? Has he published any report relating to any year after 1928-29?

(d) If no report after that year has been published, what are the reasons for this inordinate delay in the publication of the annual reports?

(e) Are Government prepared to take steps to see that the report of each official year is published at least in the succeeding year?

Sir Girja Shankar Bajpai: (a) A statement containing the desired information has been placed in the Library of the House. It is, however, not possible to state the number of copies sold in each case.

(b) Prices of Archæological as of other publications are fixed by the Central Publication Branch after considering the cost of production. Consequently such instances as that quoted by the Honourable Member are possible.

(c) and (d). The latest annual report published in October, 1935, relates to 1929-30. The consolidated report for 1930-31 to 1933-34 is expected to be published in March, 1936. Archæological Reports deal with a wide variety of subjects and their editing requires much care and time. The severe retrenchment in the staff of the Department unfortunately did delay publication of the reports from 1930-31 onwards.

(e) Steps have already been taken to ensure the publication of the reports in due time.

Mr. C. N. Muthuranga Mudaliar: May I know what Government propose to do with those copies or publications which are unsold? Do they propose to destroy them after some time, or will they consider the question of distributing them to public libraries in the provinces?

Sir Girja Shankar Bajpai: So far as I am aware, the question of disposing of surplus copies of which there is no prospect of sale has not been considered, but I will have it considered.

Mr. M. Ananthasayanam Ayyangar: Are Government aware that since our questions last time, Honourable Members of this House are not given any intimation that they may take unused copies or unsold copies free of charge? What is the reason for that?

Sir Girja Shankar Bajpai: An Honourable Member, not exactly next to me, but next but one to me, says that he is given surplus copies.

Dr. Ziauddin Ahmad: And I have received 100 copies already.

QUALIFICATIONS OF THE DIRECTOR GENERAL OF ARCHÆOLOGY.

125. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will Government be pleased to state what are the qualifications of the present Director General of Archæology?

(b) What are the qualifications that are generally expected of an officer of such high status?

(c) Has the present Director General of Archæology any degree in Archæology, or Architecture, or Epigraphy, or any degree from any University? If not, what led Government to appoint him to such a high office? What position did he occupy in the department before he was elevated to this place?

(d) Does the present Director General of Archaeology possess a knowledge of any of the Indian languages?

(e) Is not a knowledge of some Indian languages an essential qualification for the Director General's post?

(f) If the present Director General has no knowledge of any Indian language, how does he guide research work in his department?

(g) What are the publications which the present Director General has to his credit?

Sir Girja Shankar Bajpai: (a) Training and experience as architect, conservator and administrator.

(b) Ability to guide and administer the department.

(c) The reply to the first part is in the negative. He was appointed to the post in view of his seniority and the qualifications mentioned in the reply to part (a) of this question. He was Superintendent, Archaeological Survey, Frontier Circle, before he was appointed as Director General.

(d) Yes.

(e) It is desirable but is not regarded as indispensable.

(f) Does not arise.

(g) He has edited the Annual Reports of the Archaeological Department for 1924-25 and 1925-26, has contributed largely to the editing of Memoir No. 15 and is the author of Memoir No. 19.

Mr. O. N. Muthuranga Mudaliar: With regard to (b) may I know what language or languages he is conversant with?

Sir Girja Shankar Bajpai: According to the best of my knowledge, he is conversant with Persian and Urdu.

Mr. O. N. Muthuranga Mudaliar: I meant Indian languages.

Sir Girja Shankar Bajpai: I am sure, my Honourable friend who takes such a keen interest in archaeology will appreciate the fact that no archaeologist here in India can fully appreciate Indian archaeology unless he had a knowledge of Persian.

SOUTH INDIAN OFFICERS EMPLOYED IN THE ARCHAEOLOGICAL DEPARTMENT, SOUTHERN CIRCLE.

126. ***Mr. O. N. Muthuranga Mudaliar:** (a) How many officers are there, occupying gazetted rank in Archaeological Survey—Archaeology Branch?

(b) Are Government aware that a majority of the monuments in Southern Circle are either Hindu or Buddhist monuments? How many South Indians are employed in the gazetted rank capable of handling such monuments in the Southern Circle?

Sir Girja Shankar Bajpai: (a) and second part of (b). A list showing the names of gazetted officers serving in the Archaeological Department and the appointments held by them is laid on the table. Two of these officers belong to South India.

First part of (b). The answer is in the affirmative.

List showing the name of Gazetted officers serving in the Archaeological Department and the appointments held by them.

[Name of the officer.]

Post held.

Class I.

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|--|--|
| 1. Mr. J. F. Blakiston | Director General of Archaeology in India. |
| 2. Mr. K. N. Dikshit | Deputy Director General of Archaeology in India. |
| 3. Khan Bahadur Mohd. Sanullah | Archaeological Chemist in India. |
| 4. Khan Bahadur Maulvi Zafar Hasan | Superintendent, Archaeological Survey, Northern Circle. |
| 5. Mr. G. C. Chandra | Superintendent, Archaeological Survey, Central Circle. |
| 6. Mr. M. S. Vats | Superintendent, Archaeological Survey, Western Circle. |
| 7. Mr. C. R. Krishnamachari | Superintendent for Epigraphy. |
| 8. Mr. H. H. Khan | Superintendent, Archaeological Survey, Southern Circle. |
| 9. Dr. N. P. Chakravarti | Government Epigraphist for India. |
| 10. Mr. Mohd. Hamid Quraishi | Superintendent, Archaeological Survey, Frontier Circle. |
| 11. Mr. N. G. Majumdar | Superintendent, Archaeological Section, Indian Museum. |
| 12. Dr. Mohd. Nazim | Assistant Superintendent, Archaeological Survey (on leave). |
| 13. Mr. H. L. Srivastava | Assistant Superintendent, Central India and Rajputana. |
| 14. Mr. Q. M. Moneer | Assistant Superintendent, Western Circle. |
| 15. Dr. B. C. Chhabra | Assistant Superintendent for Epigraphy. |
| 16. Mr. T. N. Ramachandran | Assistant Superintendent, Eastern Circle. |
| 17. Dr. C. L. Fabri | Assistant Superintendent, Archaeological Survey (temporary for 4 months only). |

N.B.—One post, viz. that of Superintendent, Burma Circle is vacant.

Class II.

- | | |
|----------------------------------|--|
| 1. Dr. K. A. A. Ansari | Assistant Engineer, Northern Circle, Agra. |
| 2. Dr. M. A. Hamid | Curator, Central Asian Antiquities Museum, New Delhi (on leave). |

Mr. Lalchand Navalrai: May I know from the Honourable Member if all the officers in the Archaeological Department know Persian?

Sir Girja Shankar Bajpai: I never said that.

APPOINTMENTS TO THE POSTS OF TOWN INSPECTORS OF POST OFFICES.

127. ***Mr. O. N. Muthuranga Mudaliar:** (a) Will Government please state:

(i) whether the Director General, Posts and Telegraphs has issued a Circular No. 25, dated the 8th August, 1935, laying down the general principles for making appointments to the posts of Town Inspectors of Post Offices; and

(ii) whether one of the conditions for such appointment is that an official above the age of 40 years is ineligible for selection to the post?

(b) Will Government please state whether the Director General of Posts and Telegraphs has issued departmental instructions to the Post Masters General that the existing incumbents, who were appointed as Town Inspectors prior to the issue of the Circular No. 25, dated the 8th August, 1935, should be replaced if their age was over 40?

(c) Is it a fact that whenever the conditions of service are altered, the rights and privileges of the existing incumbents are always safeguarded and that the revised set of conditions of service are made applicable only to new entrants after a particular date? If so, will Government state why they do not propose to follow a similar procedure in regard to the existing Town Inspectors, and safeguard their rights and privileges by not bringing them under the new Circular referred to above?

(d) Is it a fact that no age limit has hitherto been observed in making appointments of Town Inspectors of Post Offices? If so, are Government prepared to issue revised orders exempting the existing incumbents from the age limit prescribed in the Circular referred to above?

The Honourable Sir Frank Noyce: (a) (i). Yes.

(ii) Yes.

(b) Yes.

(c) The reply to the first part is in the affirmative. As regards the second part, clerks who hold the posts of town inspectors have no right to continue as such throughout their service. They were and are always liable to be transferred to any other post at any time and as such no question of protecting the rights and privileges of existing incumbents arises.

(d) The reply to the first part is in the affirmative and to the second part in the negative.

BORROWINGS FROM PATHANS BY GOVERNMENT SERVANTS IN DELHI AND SIMLA.

128. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will Government please state if they are aware as to how many Kabulis or Pathans are carrying on money-lending business amongst Government servants and others in Delhi and Simla?

(b) Will Government state if there is any inspection of the books of these Pathans by the Income-tax Department or others? If not, why not?

(c) If the answer to part (b) be in the affirmative, will Government state the usual rate of interest charged by these Pathan money-lenders?

(d) Are Government aware that Pathans, ostensibly doing money-lending business, move about with brass-band *lathis* and squat in front of the Secretariat offices and other places, and that they are a constant source of terror not only to the men to whom they have lent money but to parties of women and children who move about during the day time?

(e) Have Government taken any steps to register these Pathans and see that they do not terrorise or victimise those who borrow money from them?

(f) Is it a fact that a Deputy Secretary of one of the Secretariat Departments recently issued a circular to the clerks in his department to disclose all their dealings with such Pathans and impressed on them the necessity of having nothing to do with the Pathans in future?

(g) Do Government propose to issue broadcast circulars or advise their servants in the interests of all concerned to avoid borrowing from these Pathans at usurious rates of interest?

The Honourable Sir Henry Craik: (a) Government have no information.

(b) There is no reason to suppose that the books of the Pathans are not examined by Income-tax Officers if it is found that they are liable to the payment of income-tax.

(c) In view of the provisions of section 54 of the Indian Income-tax Act, 1922, it is not permissible to communicate information obtained from the books of assessee. I would, however, invite attention to the statement showing the rates of interest charged by Afghan money-lenders which was laid on the table of this House on the 31st July, 1934. This gives the rates charged in the Punjab and Delhi.

(d) The Government are aware that this type of money-lender has employed objectionable methods.

(e) The Government of India have not compiled a register of Pathan money-lenders. They are during their sojourn in India amenable to the laws of India and can be prosecuted for breaches of these laws.

(f) and (g). Office orders to this effect have been issued by several Departments of the Government of India.

REVISION OF SCALES OF PAY FOR THE INDIAN CIVIL SERVICE AND THE INDIAN POLICE SERVICE.

129. ***Mr. C. N. Muthuranga Mudaliar:** (a) Are Government aware that the recommendations of the General Purposes Retrenchment Committee, so far as they related to the services recruited by the Government of India, were given effect to as early as 1933?

(b) Why is there such a long delay in revising the scales of pay for the Indian Civil Service and the Indian Police Service and other Services, recruitment to which is made by the Secretary of State for India?

(c) With reference to the reply to question No. 516, dated the 25th February, 1935, do Government propose to address the Secretary of State to expedite his decision on the question of revision of scales of pay for the Indian Civil Service and the Indian Police Service, in view of the fact that the Government of India Act has been placed on the statute book?

The Honourable Sir Henry Craik: (a) Yes.

(b) and (c). As explained by me in this House in reply to question No. 516 on the 25th February, 1935, the Secretary of State decided to postpone further consideration of this question until after the passing of the Constitution Act. The question will now be further considered.

RELIEF TO THE COCONUT PRODUCERS ON THE WEST COAST.

130. ***Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that weekly consignments of coconut and coconut products are being dumped on the west coast of India?

(b) Are Government aware that there is very great depression in the coconut market on the West Coast owing to the large imports of Ceylon products?

(c) With reference to the reply to question No. 355, dated the 20th February, 1935, will Government please state what action they have taken on Dr. J. S. Patel's report to give relief to the coconut producers on the West Coast?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). No.

(c) After careful consideration Government have come to the conclusion that an enhancement in the rates of duty on coconuts and coconut products is not justified. I may mention, however, that there has been a marked increase in the market values of coconuts and coconut products and especially of Ceylon coconuts and Government have consequently increased the tariff valuations of the articles substantially since the 1st January, 1936.

Dr. T. S. S. Rajan: Does the Honourable Member know that the enhancement of the tariff valuations has not relieved the economic condition of the coconut growers there?

The Honourable Sir Muhammad Zafrullah Khan: It will give them some relief.

Dr. T. S. S. Rajan: Is this all the relief that was expected or wanted with regard to the representation made to Government?

The Honourable Sir Muhammad Zafrullah Khan: The tariff value of coconuts is already above the figure which was mentioned to me when I went to the South of India as the figure which would give the desired relief.

Dr. T. S. S. Rajan: Does it at all compare favourably with the depression that has taken place in the coconut industry in Travancore and other places. Is the enhancement of the tariff valuation in proportion to the depression that has occurred in the coconut industry?

The Honourable Sir Muhammad Zafrullah Khan: It is not in proportion to the depression and it has no reference to the depression because it does not depend upon that factor at all.

Dr. T. S. S. Rajan: How are Government justified in saying that it has helped them?

The Honourable Sir Muhammad Zafrullah Khan: Because the tariff valuation for 1935 was Rs. 44 per thousand coconuts, and, for 1936, it is Rs. 55—a difference of Rs. 11.

Dr. F. X. DeSouza: Are Government aware that the enhancement in the price of coconuts referred to by the Honourable Member is only temporary and the price has now gone back to the former level?

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

Dr. F. X. DeSouza: In view of the low price now prevailing, will Government consider the question of raising the import duty to prevent further dumping by Ceylon.

The Honourable Sir Muhammad Zafrullah Khan: I have already answered the question.

POSTAL VOTING IN CERTAIN CONSTITUENCIES.

131. ***Mr. C. N. Muthuranga Mudaliar:** With reference to the reply to parts (c) and (d) of question No. 1607, dated the 6th April, 1935, will Government please state whether they have asked all the Local Governments to amend the Regulations applicable to constituencies in which postal voting is in force, so as to require the use of registered post for sending the ballot papers to the respective voters?

The Honourable Sir Nripendra Sircar: Madras was the only Province in which the Regulations applicable to the constituencies in question did not require ballot papers to be despatched by registered post. The Madras Regulations have since been amended so as to render the use of the registered post obligatory.

DETENTION OF THE LATE AMIR MUHAMMAD YAKUB KHAN OF AFGHANISTAN.

132. ***Seth Govind Das:** (a) For how many years did Government keep the late Amir Muhammad Yakub Khan of Afghanistan under detention in this country?

(b) What was the total expenditure incurred on account of his detention in this country?

Sir Aubrey Metcalfe: (a) 43 years 11 months and 15 days.

(b) The late *ex*-Amir was in receipt of an allowance of Rs. 5,000 per mensem. The total expenditure at this rate for the period given in the answer to part (a) of the question amounts to rather over 26 lakhs of rupees.

Mr. T. S. Avinashilingam Chettiar: What is the purpose for which these large sums are paid for the maintenance of these foreign princes?

Sir Aubrey Metcalfe: They are State Prisoners under Regulation III.

ALLOWANCES OF THE AFGHAN PRINCES INTERNED AT JUBBULPORE.

133. ***Seth Govind Das:** (a) What is the allowance given to the Afghan Princes interned at Jubbulpore monthly towards their subsistence in each case?

(b) Have their allowances been fluctuating from time to time?

(c) Since when are they given State Prisoner's allowance and after what interval of time since the death of their father?

(d) To what extent have their allowances been deviating?

(e) What is their present allowance in each case?

(f) Have they been appealing to the different provincial Governments where they were interned from time to time?

(g) Did Government increase their allowances in order to prevent them from running into debts?

(h) What is the total amount to which the three princes, interned at Jubbulpur, are indebted, including their debts incurred in Burma?

(i) What is the total number of members in each of the three families?

(j) What arrangement do Government contemplate making for giving their daughters in marriage according to their birth and status?

Sir Aubrey Metcalfe: (a) The Afghan refugees referred to as "the Afghan Princes", interned at Jubbulpore are:

(i) Sardar Abdullah Khan;

(ii) Sardar Abdul Hamid Khan, and

(iii) Sardar Abdul Qayyum Khan.

and they are in receipt of a monthly allowance of Rs. 600, Rs. 500 and Rs. 450, respectively.

(b) Yes.

(c) The Sardars have been in receipt of allowances from Government from a time before the death of their father, the *ex*-Amir Muhammad Yakub Khan.

(d) The information is given in a statement which I place on the table of the House (as below):

Name.	During life	After death	On transfer	Allowances.	Revised in	
	time of their father.	of father in November 1923.	to Burma in 1926.	On return to India in 1932.	1934.	1935.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
	* per mensem.	per mensem.	per mensem.	per mensem.	p. m.	p. m.
S. Abdullah Khan	300	300	600	300	450	600
S. Abdul Hamid Khan	250	250	500	250	375	500
S. Abdul Qayyum Khan	225	225	225	225	337½	450

(e) The answer has already been given in reply to part (a) of this question.

(f) Yes.

(g) The Government increased their allowances so as to make it wholly unnecessary for them to incur further debts.

(h) The debts contracted, while the Sardars were in Burma, are stated to amount to Rs. 10,000. No information is available as regards the debts incurred in the Central Provinces.

(i) The total number of members in each of the three families according to the most recent reports received is as follows:

Name.	No. of family members.
S. Abdullah Khan	6 (wife and 5 children).
S. Abdul Hamid Khan	7 (wife, 5 children and mother-in-law).
S. Abdul Qayyum Khan	6 (wife, 4 children and mother-in-law).

(j) No proposals for the marriage of the Sardar's daughters have come to the notice of Government.

Mr. M. Ananthasayanam Ayyangar: Under what circumstances were they detained?

Sir Aubrey Metcalfe: In the same circumstances as other Afghan refugees. I have already explained—under Regulation III of 1818.

Seth Govind Das: Are Government aware that these allowances are not sufficient for them to get on with?

Sir Aubrey Metcalfe: Government consider that they are perfectly adequate.

Seth Govind Das: Are Government aware that they are indebted in Jubbulpore to a very great extent?

Sir Aubrey Metcalfe: It is their own fault. Government cannot prevent people from running into debt, if other people give them credit.

Seth Govind Das: Is there any chance of lifting the ban on them, so that they can move about and do some business?

Sir Aubrey Metcalfe: The only business which they have ever shown anxiety to do is to purchase goods for which they are unable to pay.

Seth Govind Das: Do Government not consider that it is really after all their fault because they are being interned without any reason, and, therefore, these debts have to be incurred, and also they are not able to engage in any business because they are interned in one place?

Sir Aubrey Metcalfe: Sir, the statement that they are being interned without any reason has no foundation in fact.

Mr. M. Ananthasayanam Ayyangar: Why should they not be sent back to their own place so as to avoid this perpetual drain on our own revenues?

Sir Aubrey Metcalfe: The reasons why they cannot be sent back to their own place are reasons of State which it would be improper for me to divulge in public.

Seth Govind Das: Are they going to be kept as internees for the whole of their lives?

Sir Aubrey Metcalfe: That I am unable to say.

INCOME-TAX DEDUCTED FROM THE ALLOWANCES OF THE AFGHAN PRINCES INTERNED AT JUBBULPORE.

134. ***Seth Govind Das:** (a) Will Government be pleased to state whether the Prince internees at Jubbulpore have to pay tax on income from their allowance?

(b) What amount is being deducted from their monthly allowance towards income-tax?

(c) How much in all is being deducted from their allowance every month towards payments of debt and income-tax?

(d) Do they get the balance of their allowances in kind or cash?

(e) Were they called upon to furnish their family budgets?

(f) Did Government find in the family budgets, furnished by them, unnecessary or superfluous items?

(g) What was the amount in each of the three brother's cases according to their family budgets?

(h) How much did Government disallow out of their total budgets?

(i) Who will meet the detention expenses under the autonomous India?

(j) Do Government propose to give them sufficient allowance to enable them to live according to their status and pay off their debts? If so, what are the arrangements under contemplation? If not, will Government be pleased to state their reasons?

(k) Do Government propose to make adequate provisions for their children's education and facilities to get the daughters married according to their birth and status? If not, why not?

Sir Aubrey Metcalfe: (a) Yes.

(b) Rs. 84-13-0 per mensem.

(c) Rs. 434-13-0 per mensem.

(d) The balance of allowance in each case is paid in cash.

(e) Yes.

(f) Yes.

(g) Each of the three brothers produced a family budget of approximately Rs. 1,150 per mensem.

(h) Rs. 2,258-4-0.

(i) By the Federal Government in the Department of External Affairs.

(j) Government are already giving sufficient allowances to the Sardars in question. The latter parts of the question do not therefore arise.

(k) Government have already granted educational allowances to the three sons of school going age, of Sardar Abdullah Khan as recently as April last. As regards the other two Sardars, their sons have not yet reached the school going age. Government are not aware of any proposals regarding the marriage of the Sardars' daughters.

Seth Govind Das: Is this family budget prepared by the Government in consultation with these Prince internees?

Sir Aubrey Metcalfe: If the Honourable Member refers to the family budgets of Rs. 1,150 per month a piece, they were certainly not prepared by the Government.

Seth Govind Das: Is the budget then being given by these Afghan princes themselves?

Sir Aubrey Metcalfe: The budget was drawn up and prepared by themselves as being what they considered to be an estimate of their aggregate expenditure. Government regarded that estimate as grossly extravagant and unnecessary.

Seth Govind Das: And whatever they gave as their budget is the sum provided to them?

Sir Aubrey Metcalfe: As I have already explained in my question, a sum has been provided that Government consider to be entirely adequate.

SHORT NOTICE QUESTIONS AND ANSWERS.

OUTBREAK OF FIRES IN JHARIA COLLIERIES.

Mr. T. S. Avinashilingam Chettiar: Will Government state:

12 Noon.

- whether the news in the *Hindustan Times* of the 1st February, that there are forty fires affecting 29 collieries in Jharia is true;
- the reason for these fires;
- the damage caused by them; and
- whether they propose to take preventive measures for the future; if so, what?

The Honourable Sir Frank Noyce: Before I answer this and the subsequent short notice question by Mr. Joshi, I should like, with your permission, Sir, to take this opportunity of expressing the deep sympathy of the Government of India, which, I am quite sure, will be shared by all sections in this House, with the families of those who perished in the regrettable disaster at the Loyabad Colliery and with the survivors.

(a) I understand that there are at present forty-five separate fires in 29 different collieries in the Jharia coalfield.

(b) I believe that most underground fires are caused by spontaneous combustion, and that this in turn is attributable to a considerable extent to unsatisfactory mining methods.

(c) I assume that by damage the Honourable Member means loss of coal. If so, I can give no more recent estimate than that made by Mr. Norman Barraclough, Inspector of Mines, and published in 1928 in Part 3 of Volume LXII of the Records of the Geological Survey. This paper which was based on inquiries made at the instance of the Government of India gave the quantity of coal lost in this field at rather over 12 million tons. Since then the loss must have increased substantially.

(d) We are pursuing the matter actively both from the point of view of safety in mines and from the point of view of coal conservation and I hope to have a discussion on the 19th of this month with representatives of the coal owners' organizations and experts regarding the measures that should be taken.

Mr. B. Das: Supplementary question.

The Honourable Sir Frank Noyce: May I suggest, Sir, that it would perhaps be convenient if supplementary questions on this question were dealt with after I have replied to Mr. Joshi's question on the same subject.

OUTBREAK OF FIRES IN JHARIA COLLIERIES.

Mr. N. M. Joshi: (a) Will Government be pleased to state what information they have regarding the accident that took place in the Loyabad colliery?

(b) Is it a fact that two serious accidents of similar nature had taken place some months ago in the coal area?

(c) Will Government be pleased to state the results of the inquiries that were made in the accidents referred to in part (b)?

(d) Will Government be pleased to state whether they have considered the question of strengthening the regulations for safety in mines, and if so, what steps they propose to take towards that end?

(e) Will Government be pleased to state what action they propose to take for relieving the distress of the families that have lost their bread-winners?

(f) Will Government be pleased to state whether any efforts are being made, either by private persons, or by Government, to collect funds to relieve the distress of the families of the victims?

The Honourable Sir Frank Noyce: (a) A fire was discovered in the colliery at 5 A.M. on the morning of the 30th January. Its cause is not yet known. The fire rapidly attained serious dimensions, but by about 6 A.M. all the miners on the night shift were safely removed. The management then attempted to isolate and control the fire by the usual method of erecting stoppings in all airways leading to the seat of the fire. At about 12-30 an ignition of gases occurred in the fire area and this appears to have blown out some stoppings and filled a large part of the workings with poisonous fumes. A number of the persons employed were brought safely to the surface: and although 23 of these had to be taken to hospital suffering from gas poisoning, all these have survived. Rescue parties, which included the Chief Inspector and the Inspector of Mines, brought up twelve persons of whom five died. Rescue operations were still in progress at about 5 P.M. when a second explosion occurred, and the main roadway where the rescue party was working was flooded by poisonous gases, and the rescue party had to be withdrawn. Shortly afterwards the Chief Inspector and three Mining Engineers again went down the mine but found conditions such that the work could not be safely continued, and it appears that by this time there was no possibility of any person being alive in the pit. The number of fatalities is believed to be 37 but might be as high as 40. Of the 23 taken to hospital 21 have already been discharged cured.

(b) I assume that the Honourable Member is referring to the disasters in the Bagdigi colliery in June, 1935, and in the Kurhurbaree colliery in July, 1935. Of these only the former was due to an underground fire: the latter was caused by an explosion arising from short-firing.

(c) Courts of Inquiry were appointed under the Indian Mines Act by the Government of Bihar and Orissa to inquire into these accidents. Copies of their reports will be placed in the Library as soon as printed copies are available. I may mention that copies are now available. I have just received a copy of the report on the Bagdigi colliery accident. It will be placed in the Library at once.

(d) Proposals to this effect were made in the report on the Bagdigi accident which has recently been published. But the provisions of the law make it impossible to amend the regulations rapidly and, mainly for this reason, I propose, as I have already indicated in reply to a previous question, to examine urgently the question of whether other and speedier preventive measures cannot be taken.

(e) and (f). I presume that the dependents of the workmen killed will be entitled to secure compensation under the law, and the Commissioner for Workmen's Compensation has power to take the initiative, if necessary, in order to secure that they are not left unaware of their rights. I have not heard of the opening of any fund.

Mr. N. M. Joshi: May I ask why there is any uncertainty as to the number of fatalities? Is it due to the fact that the Government have no knowledge as to how many people were in the mines?

The Honourable Sir Frank Noyce: I understand, Sir, that people employed on recovery work were passing in and out of the mines before the accident; and it has therefore been necessary to call a muster roll to find out exactly who were at the mines at the time. I take it that the inquiries on that point will soon be completed, if it has not been done already, and that information in regard to the total number of fatalities will soon be available.

Mr. B. Das: Is it not a fact that the Government were alive to these series of mine fire disasters which have culminated in the last disaster, and, if so, why is it that the Government did not exercise their executive powers and stop these mines from working so that these disasters should not have occurred?

The Honourable Sir Frank Noyce: Sir, Government have exercised all the powers available to them under the present Act and Regulations. The mines are worked in accordance with the Mines Act and the Regulations thereunder. These fires show that further action is necessary, and, that is why, as I have already said, a conference is being summoned on 10th February which will consider all the questions arising out of the present state of affairs.

Mr. B. Das: Will the Honourable Member say when were these mines last inspected by the Chief Mining Engineer and did he warn these mine-owners of the possibility of such fires in view of the fires a year since in other places?

The Honourable Sir Frank Noyce: The mines are constantly inspected by the Chief Mining Engineer and his staff, but these fires have been going on for some time. The position in the Jharia coalfield has, I think it is correct to say, worsened very considerably during the last year or two. I may mention for the information of the House that Bagdigi accident is, I think, the first bad accident which has been due to an underground fire. It is the Bagdigi accident which has drawn attention to the necessity for stiffening the Mines Regulations. Immediately I received a report of the accident in that mine, before this further accident happened, I had decided that something must be done and done at once and the conference I have mentioned had actually been summoned before this further lamentable accident in the Loyabad colliery.

Mr. N. M. Joshi: Is it not a fact that the report in one of these enquiries recommends the appointment of a Committee to go into the question of safety?

The Honourable Sir Frank Noyce: The report on the Bagdigi colliery accident does recommend a committee of enquiry and the question whether such a committee should be appointed will be considered. But, as my Honourable friend knows the methods of committees are rather slow, and I want to see if something could be done in advance of the report of such a committee, if it is decided to appoint one.

Mr. N. M. Joshi: May I ask whether the miners in Jharia will be represented in the conference which is going to be held shortly?

The Honourable Sir Frank Noyce: No, Sir. This conference will consist purely of experts.

Mr. N. M. Joshi: May I ask whether the representatives of the miners are not expected to know something about the conditions in mines?

The Honourable Sir Frank Noyce: No, Sir. I doubt if the representatives of miners are in a position to deal with the prevention of fires.

Mr. B. Das: In view of the fact that Government were alive to the gravity of the danger of fires in mines for the last one year, why did they not take executive action by passing an Ordinance or taking special power before this Assembly empowers them by an Act for stoppage of work in those coal mines?

The Honourable Sir Frank Noyce: As I have said, Government have been alive for some time past to the state of Jharia coalfields owing to fires and everything that is possible under the existing Act and Regulations has been done. I would repeat that the matter has been engaging the attention of the Chief Mining Engineer and everything that can possibly be done within the framework of the existing Act and Regulations has been done. The necessity of doing something more drastic than that has been brought to the special attention of the Government by the report on the Bagdigi accident which reached my hands about a fortnight or so ago.

Mr. N. M. Joshi: Who are all going to attend this Conference which is going to be held?

The Honourable Sir Frank Noyce: The Chief Inspector of Mines, the Chief Mining Engineer of the Railway Board and the representatives of the Indian Mining Federation, of the Indian Mining Association, of the Colliery Owners' Association and also of the Government of Bihar and Orissa.

Mr. N. M. Joshi: May I ask in view of the fact that the Government of India are proposing to invite representatives of employers, whether they will not consider the advisability of inviting the representatives of trade unions in the mining area?

The Honourable Sir Frank Noyce: This is a technical conference and for that reason it will be confined to people with technical knowledge.

Mr. N. M. Joshi: May I ask whether the Indian Mining Association and the other Associations which the Honourable Member mentioned consist of experts or of business people?

The Honourable Sir Frank Noyce: They have obviously to be invited to the Conference because it will be they who will have to take such action as may be decided upon at the conference.

Mr. N. M. Joshi: May I ask whether it is not a fact that if the representatives of the Mining Associations have to be included because they have to take steps for the safety of the mines, the miners who suffer on account of these accidents also deserve to be heard and therefore their representatives also should be included in the conference?

The Honourable Sir Frank Noyce: Yes, Sir. It is perfectly true that it is the miners who suffer but it does not necessarily mean that they are in a position to advise on what I have tried to explain is a highly technical subject.

Seth Govind Das: Why did not the Government issue an order under section 144, Criminal Procedure Code, so that the labourers would not have gone there to work?

The Honourable Sir Frank Noyce: After the accident?

Seth Govind Das: Before the accident?

The Honourable Sir Frank Noyce: If the Government had known there would be an accident or even if they had known there was going to be danger of an accident, then they would naturally have prevented people from going to the mines.

Seth Govind Das: The Government surely knew of the dangerous position of these mines. Why did they not issue an order under section 144 so that the labourers would not have gone there to work?

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The matter has been sufficiently discussed now.

MOTIONS FOR ADJOURNMENT.

CONTRACT FOR THE HOWRAH BRIDGE.

Mr. President (The Honourable Sir Abdur Rahim): Sardar Sant Singh has given notice of a motion for the adjournment of the Assembly for the purpose of discussing a definite matter of urgent public importance, namely the Government of India's attitude in regard to the contract for Howrah bridge going to a British firm as is evident from a Press report—*The National Call*, Delhi, dated the 6th February, 1936.

[Mr. President.]

I should like to know from the Honourable Member how he makes out that this is a case of urgent public importance within the meaning of the Rules. I take it, this question has been engaging the attention of the Local Government for a long long time.

Sardar Sant Singh (West Punjab: Sikh): As regards the question put by you, Sir, I have only to say that the news, published in the *National Call* of yesterday's issue was that the matter is to be decided by the Howrah Bridge Commissioners within three days, and, unless steps are taken to prevent the contract going to a British firm, the House may be too late to express their opinion on the point. Hence there is urgency for discussing this question.

Mr. President (The Honourable Sir Abdur Rahim): Before a decision is arrived at by the authority authorized to take a decision, it is not the practice to allow such a motion for adjournment.

Sardar Sant Singh: My submission is that a discussion of this motion will facilitate us in impressing upon those who are engaged in this particular business the strong views of this House as well as of the public at large and after a decision has been taken it may be irrevocable and we may not be able to influence their judgment.

The Honourable Sir Muhammad Zafrullah Khan: (Member for Commerce and Railways): I submit, Sir that the motion that is sought to be moved in connection with this matter is out of order as an adjournment motion. All that is urged is that there is a rumour that the Chairman of the Howrah Bridge Commissioners proposes to make a certain recommendation. Now, to begin with, is the House going to discuss the merits of a rumour? The Honourable Member who seeks to move this motion has no knowledge himself whatsoever nor has anybody else in this House with regard to what is happening. How will the House discuss this matter then? There is no definiteness about it.

An Honourable Member: He has knowledge.

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

Sardar Sant Singh: The knowledge is that within three days' time the Commissioners will be called upon to decide that the contract should go to a British firm.

The Honourable Sir Muhammad Zafrullah Khan: What is the basis of that knowledge? It is based on this cutting from the *National Call* and the cutting from the *National Call* merely mentions what it guesses to be happening. And even if it were true and it can be proved that the Chairman of the Bridge Commissioners has a certain proposal to make or that in his opinion a certain firm ought to be recommended, is that a matter to be discussed on an adjournment motion? Or, is the opinion of one of the Bridge Commissioners a definite matter which ought to form the subject-matter of a motion for adjournment?

Next, Sir, the motion says that it is to discuss the attitude of the Government of India, what is the attitude disclosed by the Government of India which requires discussion on an adjournment motion? That is again

entirely indefinite. All that the Government of India have said is that the matter is regulated by the Howrah Bridge Act as it is and that under that Statute power lies with the Bridge Commissioners subject to the approval of the Bengal Government. I submit that the matter is entirely indefinite and vague and there is nothing on which Government can either supply any information or express any opinion.

Mr. R. S. Sarma (Nominated Non-Official): Sir, with regard to the observations made by the Honourable the Commerce Member, it is not only a rumour that has been published in the *National Call*, but a definite statement. It is not that the Chairman of the Bridge Commissioners has a proposal to give it to a foreign firm, but that he has made a definite recommendation to the sub-committee saying that in his opinion as Chairman this particular order should be placed with a firm outside this country.

Mr. President (The Honourable Sir Abdur Rahim): The matter is still under consideration, is it not?

Mr. R. S. Sarma: It is being discussed now. And, with regard to the attitude of the Government of India, it comes in this way. I hope the Government of India will realise that if this order is placed outside this country, apart from the political reactions of a measure like that, it will result in a great and enormous loss to the Central Revenues.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. That matter cannot be argued now.

There are two points to be considered. The first is whether this is an urgent matter within the meaning of the rule. In this connection, I find that there is a ruling of the 2nd July, 1923, to this effect:

"Mr. T. V. Seshagiri Ayyar wished to move the adjournment of the House to call attention to a matter of urgent public importance in connection with the recent announcement that the Duke of Devonshire is going to disclose in the House of Commons, before the middle of July, settlement regarding Kenya question.

The President ruled: That an announcement which is going to be made cannot be a matter of recent occurrence, and, therefore, the Honourable Member's request is not in order."

I must say that this is based on the obvious ground of convenience.

The next objection that is taken is that to discuss the attitude of the Government of India regarding this matter is too vague. I am also inclined to agree with that view. I, therefore, rule that the motion is out of order.

DEMAND OF SECURITY FROM THE ABHYUDAYA FOR PUBLICATION IN VERBATIM
OF A SPEECH DELIVERED IN THE LEGISLATIVE ASSEMBLY.

Mr. President (The Honourable Sir Abdur Rahim): There is another motion of adjournment in the name of Sardar Sant Singh who wishes to discuss "the encroachment on the privileges of the Members of the Legislature to publish their speeches in *verbatim* by the demand of security from the newspaper *Abhyudaya*."

I should like to know exactly what is the question of privilege. Is it that of publishing their speeches?

Sardar Sant Singh: Yes, Sir. A similar question came up in 1932 before this House when a similar question of the privilege of the House for publishing speeches was raised. It was on the 12th February, 1932. On that occasion, the then Home Member

Mr. President (The Honourable Sir Abdur Rahim): Was that a motion of adjournment?

Sardar Sant Singh: That was a motion of adjournment tabled on account of the unsatisfactory nature of the reply to a question that I had the privilege to ask in this House about the privilege of publishing speeches and how that has been affected by the Press Act and the Ordinance which was then issued.

Mr. President (The Honourable Sir Abdur Rahim): I want to know whether that was a motion of adjournment.

Sardar Sant Singh: It was a motion of adjournment tabled by Mr. Ranga Iyer relating to:

"The unsatisfactory reply of the Honourable the Home Member to a question of Sardar Sant Singh, M.L.A., regarding the publication in the press of the Assembly speeches."

It is on page 657 of Vol. I of 1932. On that occasion, there was a good deal of discussion in which you, Sir, also took part. You were pleased to say on that occasion that if the speeches of Honourable Members are not allowed to be published in the press of the country, it is better to shut up this House and suspend this Constitution. On this the Honourable the President wanted the legal opinion of the then Law Member as to the state of affairs created by the issue of the Ordinance on this particular matter. That opinion was given on the 15th February and it is published on page 722 of the Debates. The question was how far the enactment of the press laws affects the privilege of the Members of this House to publish their speeches outside in the press, and this was the opinion given:

"Sir, with reference to the inquiry which was made of me this morning I beg to say as follows: that in my opinion, the Ordinances have made no change in the ordinary law of the land in the matter of publication in the public press or otherwise of the proceedings of the Legislature."

In view of this opinion, the Honourable the President was pleased to say:

"That being so, the whole object of the adjournment motion is met and nothing further need be said. I trust the opinion will be considered satisfactory that no change has been made in the publication of the proceedings of the Assembly in the public press by the promulgation of the Ordinances."

Now, I want to submit that what has happened in this case is that an Honourable Member of this House made a speech in this House. That was of course a privileged speech. After that

Mr. President (The Honourable Sir Abdur Rahim): I do not want a long argument on this, but what is the privilege here?

Sardar Sant Singh: The privilege that freedom of speech extends not only to the precincts of this House, but extends outside also, and that privilege, as I think the House will agree with me, is very important.

Mr. N. M. Joshi (Nominated Non-Official): When was it violated?

Sardar Sant Singh: It was violated the other day when security was demanded from the *Abhyudaya* for publishing *verbatim* the speech of an Honourable Member of this House. That was a privilege which has been violated by one Provincial Government. My submission is that this House has a right to consider the breach of privileges and to express its opinion for the maintenance of that privilege.

The Honourable Sir Nripendra Sircar (Law Member): I take two objections. First, the question of privilege cannot be discussed on an adjournment motion. The President was quite right in asking, if I may say so with respect, whether what he was reading was on an adjournment motion. It was an adjournment not for discussing privilege but for discussing the unsatisfactory nature of the Home Member's reply. Now, Sir, the English and Indian authorities are quite clear. May's Parliamentary Practice (page 249) says:

"Matters arising out of the debates of the same session, or the terms of a bill before the House of Lords, matters of privilege or order . . . cannot be submitted to the house under this standing order . . ."

That is Standing Order No. 10 which we have copied in our rules for adjournment motions. The English ruling is perfectly clear that we cannot discuss a question of privilege on an adjournment motion. The author points out what can be done, but I am really not taking on myself the role of being an adviser to Sardar Sant Singh; he can find out for himself.

Now, Sir, Parliamentary practice has been followed here, and, if I may ask you to look up this printed book "A Selection from the Decisions from the Chair", I would refer you to the ruling on page 48. This was again for discussing a question of privilege:

"I go further and say that if it is the intention of the Honourable Member from Bihar to raise the question of privilege—and I do not know how far the question of privilege does arise in this case—I should say at once that no discussion on a question of privilege can take place on a motion for adjournment. I lay it down definitely and unambiguously. Under these circumstances, I regret I must disallow the motion for adjournment."

That ruling, Sir, is perfectly clear.

My second point is this. Assuming this motion could have been properly made, I submit, Sir, that it is too late, because the incident, whatever it was, happened while the Assembly was not in session and notice should have been given on the first day. As a matter of fact, a notice of motion for adjournment was given on Monday last, not on the ground of privilege, but on another different ground, and that was disallowed by the Governor General: but the facts on which this motion is going to be argued, if it is not disallowed, existed before this Assembly commenced its sittings on the 3rd February. There is no reason whatsoever why a notice of motion for adjournment should have been given

[Sir Nripendra Sircar.]

so late as today or yesterday afternoon. In this connection, Sir, I would draw your attention to page 24 of the same book:

"My predecessor in office, the Honourable Mr. V. J. Patel, gave the following ruling:

"I am clearly of opinion that the matter is of great public importance. But I am not convinced that the matter is urgent. I should have certainly admitted this notice of motion for adjournment if it had come to me on the 18th August. The decision proposed to be questioned was arrived at on the 15th August. It was published in the newspapers on the 16th or 17th August, as Sir George Rainy has said, and there is absolutely no reason why the Honourable Member should not have given a notice of motion for adjournment on the 18th."

Then, the President goes on:

"In the present case also, the House met for the first time on the 7th July, and notice of this motion was handed to me only on the 12th. As I have already stated, all these facts were within the knowledge of Honourable Members when the House met on the 7th July."

Mr. President (The Honourable Sir Abdur Rahim): There are other rulings to this effect. Are there any other rulings?

The Honourable Sir Nripendra Sircar: These are the only rulings.

Mr. President (The Honourable Sir Abdur Rahim): The first objection taken to this motion is that the question of a breach of privilege cannot be discussed on a motion for adjournment of the business of the House. This is clearly borne out by the reference which has been supplied by the Honourable the Leader of the House. May's Parliamentary Practice on page 249 says:

"Matters arising out of the debates of the same session, or the terms of a bill before the House of Lords, matters of privilege or order . . . cannot be submitted to the House under this standing order, and as on other motions for the adjournment of the house matters involving legislation cannot be discussed."

This is the practice of the House of Commons, and I have no hesitation in following what is laid down in May's well-known book.

The second point is that notice should have been given or the leave of the House should have been asked for on the very opening day of this Session. There was another adjournment motion relating the same subject, i.e., the demand of security from the *Abhyudaya* which came up two days ago, and it was withdrawn. That motion was based on different reasons, but all the same there is no good reason whatever why this motion should not have been made on the very opening day of the Session. On both these grounds, therefore, I rule the motion to be out of order.

Mr. S. Satyamurti: It was disallowed by the Governor General, not withdrawn, Sir.

The Honourable Sir Nripendra Sircar: That was disallowed by the Governor General.

CONTROL OF THE ADMINISTRATIVE CHAOS IN THE PUNJAB.

Mr. President (The Honourable Sir Abdur Rahim): Another motion of adjournment of which notice has been given by Mr. K. L. Gauba is that he wishes to discuss a definite matter of urgent public importance:

"The failure of the Government of India to take any steps to control the administrative chaos in the Punjab for months, finally resulting in civil disobedience by two communities. The gravity of the situation is reflected in the statement in the House of Commons yesterday by the Under Secretary of State for India, and the daily reports of arrests."

I should like to know whether it was only what happened in the House of Commons that revealed the gravity of the situation.

Mr. K. L. Gauba (East Central Punjab: Muhammadan): Sir, as regards the situation, where arrests are taking place day to day, the urgency . . .

Mr. President (The Honourable Sir Abdur Rahim): It has been going on for some time.

Mr. K. L. Gauba: Yes, Sir, it has been going on for some time, but the position as to whether a motion can be moved as a motion of adjournment and as of definite public importance is this. Where the situation is deteriorating from day to day, in a sense a fresh cause arises each day, and the right to move a motion of adjournment continues from day to day.

Mr. President (The Honourable Sir Abdur Rahim): I want to know, was it grave enough on the opening day of the Session or not?

Mr. K. L. Gauba: It is graver today than it was on the opening day. Further, I submit, that the gravity of the situation was admitted in the House of Commons yesterday by the Under Secretary of State.

Mr. President (The Honourable Sir Abdur Rahim): I must rule this motion as being out of order. It is not urgent in the sense understood in the rules: it ought to have been moved on the opening day of the Session; and, according to the previous rulings of this Chair, it is not urgent now; and, therefore, the motion cannot be sustained. I rule it out of order.

ELECTION OF A MEMBER TO THE SELECT COMMITTEE ON THE AMENDMENT OF STANDING ORDERS.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 noon on Wednesday, the 5th February, 1936, the time fixed for receiving nominations for the Select Committee on the Amendment of Standing Orders only one nomination was received. As there is only one vacancy, I declare Mr. G. H. Spence to be duly elected.

THE INDIAN CRIMINAL LAW AMENDMENT (REPEAL) BILL.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume further consideration of the Bill to repeal the Indian Criminal Law Amendment Act, 1908.

[6TH FEB. 1936.]

[Mr. President.]

The House will remember that a point of order was raised on the last day of discussion of this Bill at the last Simla Session, namely, whether the provision of the clause of a Bill is open to general discussion when no amendment is proposed. There can be no doubt that it is, though the Chair will not allow undue repetition of what has been already urged on the motion for taking the Bill into consideration. This is in accordance with the usual practice. Doubt was thrown on the position only by a hasty misreading of a paragraph at page 403 of May's Parliamentary Practice which merely points out that a Member cannot speak generally upon a clause until after the question is proposed "that the clause stand part of the Bill". The question is:

"That clause 2 stand part of the Bill."

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, in supporting the motion that clause 2 of this Bill should stand as part of the Bill, I have to make a few observations. I have followed with all the care and attention, that is due to them, the speeches that have been delivered from the other side in the course of the debate on this Bill. I will confess that I felt as if I was wandering in Alice's Wonderland when various noble Knights from the opposite Benches were speaking. When the Law Member went on reciting case after case endlessly of what he thought were signals of danger in front of the country, I felt that he was going down with Alice in that well that had no bottom; and, when it came to Sir Abdul Halim, I felt that he was swimming in a pool of tears of his own creation. And when it came to the Home Member, I felt I was overhearing the conversation of Fury and the Mouse. No doubt, you, Sir, and other Members of this House will recollect the famous lines:

"Fury said to a Mouse
That he met in the house,
'Let us both go to law:
I shall prosecute you.
Come, I'll take no denial;
We must have a trial:
For really this morning
I've nothing to do.
Said the Mouse to the cur,
Such a trial, dear Sir,
With no jury or judge
Would be wasting our breath.'
'I'll be judge
'I'll be jury,'
Said the cunning old Fury:
'I'll try the whole cause
And condemn you to death."

The Government of India seem to be carried on in much that spirit, and the Government have a wonderful ally in Sir Abdul Halim. Sir Abdul Halim seems to be very nervous of even nursery rhymes. You will remember that he quoted a Bengali nursery rhyme beginning with "ak, dui, tin" (one, two, three), and ending with "das, aygaro, baro" (ten, eleven, twelve). I do not know whether Sir Abdul Halim was ever a child—probably he was born a full-fledged gentleman. But I should ask him not to deprive the children of his province of innocent nursery rhymes. I am sure

Mr. President (The Honourable Sir Abdur Rahim): It is getting too personal.

Mr. Sri Prakasa: I hope that you will permit me to say that nursery rhymes are not always very evil things. I am sure, Sir Henry Craik himself, when he was a young child, would have repeated with gusto the famous nursery rhyme which runs something like this:

"Fa, fi, fee, fo, fum,
I smell the blood of an Englishman,
Let him be alive or let him be dead,
I shall grind his bones to make me bread."

And nobody in England ever thinks of prosecuting either the author or the repeater of those lines, under section 124-A or section 153-A. I hope that innocent amusements will be permitted by Sir Abdul Halim. He seems to be so obsessed with his particular nursery rhyme of "ak, dui, tin" (one, two, three), that I understand he has repeated it all the way from the Round Table Conference in London to the Legislative Assembly in Simla.

I should like, Sir, to assure the Honourable the Law Member that the Bill before the House does not seek to abolish all laws against murder, dacoity and other such acts. What the Bill seeks to do is to suggest to Government to utilise the ordinary law of the land for all those purposes. The ordinary law of the land is powerful enough, and no special law is needed at all.

The Honourable Sir Nripendra Sircar (Law Member): I rise to a point of order, Sir. I think you ruled the other day that we cannot discuss the general principle of the Bill over again when dealing with these clauses. My Honourable friend's proposition is that he is supporting sub-clause (2) of clause 2 which is:

"All proceedings and prosecutions pending on the date of the coming into force of this Act shall be deemed to be withdrawn",

and I ask for your ruling, Sir, whether it is relevant now to discuss the whole of this Bill, because you ruled the other day.

Mr. President (The Honourable Sir Abdur Rahim): The Chair thought the whole clause was under discussion.

The Honourable Sir Nripendra Sircar: You ruled on the last occasion, when we were discussing the whole clause, that there should be no repetition.

Mr. President (The Honourable Sir Abdur Rahim): There should be no undue repetition by quoting the arguments already advanced.

Mr. Sri Prakasa: I am not repeating the arguments, Sir. After all, any speech must have some introduction, before coming to arguments, and, I hope, when I came to them, the Honourable the Law Member will have a pleasant time. I was only suggesting, Sir, that the ordinary law of this land was already powerful enough to enable the Government to do anything it liked; and, if special laws had really been necessary,

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then there should have been no trouble in the land at all after those special laws had been passed. This special law, which we are now seeking to repeal, was passed as far back as 1908, and all the 58 occurrences which the Honourable the Law Member recounted with so much gusto, occurred after 1908. Evidently, the law has helped rather than hindered the perpetration of that sort of crime, of which the Honourable the Law Member is so nervous. My contention is that we should entirely depend upon the ordinary law for all contingencies. Government might perhaps say that, despite the ordinary law, thefts go on occurring. That is exactly what I also want to say. We take risks. We do not want to make any special Acts, because a theft has taken place in the Honourable the Law Member's house. We want to depend upon the ordinary law. And, therefore, we also want to depend upon the ordinary law to deal with murder or dacoity, whether I am shot or he is shot.

The great trouble about this law is that the executive is authorised to declare any association it dislikes to be unlawful and proceed forthwith to imprison members of that unlawful association and put them in jail for long periods. That method is all that we want to abolish. I want to assure the Honourable the Law Member that I am not less interested than he is, in the preservation of peace in this country; and, therefore, I cannot be accused of being entirely irresponsible. If we depend upon the ordinary law, we shall be able to achieve all the purposes that this special law seeks to serve and also save the Government from the bad name it always gets whenever it places a special law on the legislative anvil. Sir, in our earlier days, at school and college, we were all taught that separation of powers was the greatest bulwark of the subject's liberty; but here in India, Sir, there is no separation of powers at all. The executive is supreme; and the judiciary and even the Legislature are all under its thumb. The clever device of uniting the functions of the executive and the judiciary leads to the executive securing any conviction it likes. Take, for instance, Sir, section 124-A of the Indian Penal Code. That is a part of the ordinary law. The Government at headquarters send down instructions to the District Magistrate to ask for permission to prosecute a particular person or paper that is supposed to have committed the heinous crime of sedition. The District Magistrate has no option but to ask for this permission. The case I am giving is from my personal experience, Sir, because the thing happened with me. The District Magistrate, of course, asked for this permission, which was readily granted, because the Government themselves had asked the District Magistrate to ask for this permission, and, as the District Magistrate himself is the judge in such cases, a conviction followed, naturally. No District Magistrate who values his service will dare to do anything but convict a person who has already been convicted by the Government at headquarters. And, Sir, this madness about strengthening the hands of the executive is so great that, throughout the fat volumes of the Joint Parliamentary Committee's Report, and its child, the Government of India Act, the one and constant refrain is that we must strengthen the executive. The people are for the executive, and not the executive for the people. Ordinarily one should think that Governments exist in order that the people may be happy. Here it seems that the people exist in order that the Government may be happy.

Gentlemen from the opposite Benches have told us that they were afraid of terrorism. Their conscience must be very guilty indeed when they are always afraid of some one coming and shooting them. I am not so afraid. Why should they be afraid unless they are really guilty? Anyway, I am going to tell the Honourable the Law Member how his Government produce terrorists. The case of Azad was mentioned in this House. My friend, Pandit Krishna Kant Malaviya, got into trouble both inside and outside the House, because he ventured to mention that case. The Honourable the Law Member dismissed this youngman in one of his speeches with almost a sneer. I am going to tell the House the story of Azad, because I knew this boy as a student in Benares. In 1920, when he was but a child of 13 or 14, he joined in the then Civil Disobedience Movement and picketed a liquor shop. The District Magistrate of Benares ordered the boy to be given 12 stripes. This boy was awarded these 12 stripes in jail. The result was that the iron went into his soul. Whatever Englishmen may think about caning—and I understand that they revel in being caned in their schools—here in India, rightly or wrongly, we regard caning as a very humiliating process; and, I am sure, the Honourable the Law Member will also regard it as not a very desirable thing to resort to. In the jail, the man is stripped naked and stripes are administered on his buttocks. That makes the thing particularly degrading, specially because the caning is administered publicly. And this boy decided that he was going to turn a terrorist. I used to meet him now and then as he flitted across Benares, after this incident. I argued with him; I pleaded with him; I said: "Azad, give up this folly. Take to other ways. Let by-gones be by-gones. Pardon the persons who inflicted this suffering on you; pardon them in the spirit of Christ who said, 'Father, forgive them, for they know not what they do'." But he was wild, and the result was that he had a terrible career. I agree with my Honourable friend, Pandit Krishna Kant Malaviya, that if a boy of that spirit had been in a free country, he would have risen high in the military service. I am prepared to say that, if the Commanders-in-Chief of India, from Clive to Kitchener, had not had the opportunities that they had, they would have lived and died much like this boy did. It is no use condemning persons after first depriving them of all opportunities to show their genius and their capacity for public service. This is the way that terrorists are created. I knew only one terrorist in my life and that was this young boy. He was shot to death in a cowardly manner in a public park in Allahabad. I know no other terrorist, but I can understand that most, if not all, terrorists are produced in this manner; and being human, I cannot but sympathise with the psychological processes by which these mad persons are created by the gentlemen opposite.

The second thing that Honourable Members opposite are afraid of is Communism. Russia seems to be on the brain of this Government. It has been so from all time; whether the Czar ruled there or Stalin rules there, this Government will always be afraid of Russia. I do not understand why that is so. Formerly there used to be a forward military policy. Why? Because they were afraid of a Russian invasion by arms of our borders. Today, there is another type of forward policy; for today they are afraid of the Russian invasion of ideas. But the fact is that if any two countries in this world are alike, it is Russia and India, both in their traditions, in their aspirations, in their religious fervour.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Religious fervour! God help us!

Mr. Sri Prakasa: and in the temperaments of the people. Any decent Government of India would want to create friendly relations with a people like that, instead of shutting them out so cruelly and so hopelessly as this Government tries to do.

Then, Sir, the third thing that the Government pretend to be afraid of is communalism. This communalism is their own creation, and it is all pretence on their part to say that they are afraid of it and are anxious to stop it. Long, long ago, Sir John Strachey, who, I understand, has held every important office in India from Governor-General to Assistant Magistrate, wrote in his book, "India—Its Administration and Progress", referring to the communal situation:

"This need not blind us to the fact that the existence side by side of these hostile creeds is one of the strong points in our political position in India."

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): When was that?

Mr. Sri Prakasa: I am sorry I do not remember the date; but if my Honourable friend will consult me in the Library in the recess period, I may be able to find it out for him. Any way, he can go through the book himself, instead of disturbing me. This communalism was created by a political bigamist. This was the first Lieutenant Governor of Eastern Bengal. Sir Bampfylde Fuller declared publicly that he had two wives, one Hindu and one Muslim; and as the Hindu one was rather troublesome, he was leaning towards the Muslim wife. I do not know that, after having played the game between Hindus and Muslims, they will not proceed with Muslims and Sikhs as they seem to be already doing in the Punjab; and, later, find out some other community that numbers a little less, and pass on the trouble perhaps to Sikhs and Parsis.

Sir Cowasji Jehangir: We are not in the Punjab.

Mr. Sri Prakasa: So, Sir, it is all eyewash to say that they are afraid of this "ism" or that "ism". I shall proceed later on to show exactly what is in the mind of this Government; but, before I do that, I should like to say how exactly this Act has been worked so long. In my province, under this Act, not only were Congress organisations banned—and I shall not complain of that, because the Congress was openly at war with Government and we deserved their ban and they deserved our kicks; but let us look at the way Government behaved with other institutions. I, first of all, refer to the *Kashi Vidyapith*. It is a national institution in Benares founded by the great philanthropist, my friend, Mr. Shivaprasad Gupta. He set aside a property worth ten lakhs of rupees to build this institution; and one of the conditions of that gift is this,—and I want the House to pay special attention to it—that even when India gets Swaraj, this institution shall not allow itself to be controlled by any Government, nor shall it accept any financial assistance from any Government. His idea very rightly is that education should be free of all Government interference; in other words, of all Government control and Government assistance. Now, this Government always make fun of the

products of their own universities. They laugh at B.A., LL.B.'s. They scowl at failed F.A.'s. And when we have an institution in the country that gives education free of all Government control, makes their own syllabus and draws up its own lines of instruction, the Government look at it with suspicious eyes. I am closely connected with that institution, being its Vice-Principal. Two C.I.D. men are always at our gate. Every third day our premises are searched; and only this morning I read in the papers that it was searched again yesterday, no doubt much to the delight of the Honourable the Law Member and the Honourable the Home Member. During the 15 years of its existence, the institution must have been searched 150 times; and never was any incriminating thing found. But the whole irritation of the Government seems to be due to the fact that there should be any people in the country who have the hardihood to build up an institution independent of Government.

When an institution in India depends upon Government assistance and goes abegging to Government doors, it is kicked about. "Why don't you stand on your own legs?", say the authorities. "Why are you coming to ask for assistance to us?" And when an institution determines to stand on its own legs, it is suspect. And so, in accordance with this Act, which we are seeking to repeal, the *Vidyapith* was declared an unlawful association and closed for two years and a half for crimes and misdemeanours, of the nature of which I, at least, am as ignorant as the man in the moon. Our boys do not hanker after Government service. Therefore, they are saved many kicks. They do not want to start very high. They are not persons who would not be satisfied with less than Rs. 250 a month as Deputy Magistrates or as Assistant Superintendents of Police. They know the economic condition of the country and they are quite satisfied to start life with Rs. 40 or 50 and do national work of all sorts; but Government would not allow this institution to flourish, and for two years and a half they closed it. I request the Law Member, whom I respect as an elder, to go into the facts of this case and to see if he cannot help to save us from the barbarous attacks of local officials. When they do not find anything on our premises during their searches, they catch hold of our boys at random and send them to jail for four or five months at a time. I protested against this to the District Magistrate of Benares. He said: "If they are innocent, let them be in jail for two or three months. Where is the harm?" These are his very words. That is very nice indeed. There would be much harm if any such trouble came to that District Magistrate, even if he were innocent! This is the mentality of these gentlemen in the districts.

Sir Cowasji Jehangir: Was he an Indian or European officer?

Mr. Sri Prakasa: Indians and Europeans in Government service are all alike. Very often Indians are worse. I will come to that later. I have got some papers about an Indian Magistrate.

Then, Sir, another thing that was done was the declaration of a school near the premises of the *Kashi Vidyapith* as an unlawful association. It was an independent school. It was run by its own committee. The *Kashi Vidyapith* gave it financial assistance, because it was also run on national lines and declined all Government assistance.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better continue 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.

Mr. Sri Prakasa: Mr. Deputy President, I had just finished relating, as the House rose for lunch, the sad story of the action taken by Government, under the Act we are seeking to repeal today, against the *Kashi Vidyapith*, an educational institution having no other ideal but to give proper education to Indian youth in order to make them independent of Government service and enable them to serve their country as they grow into manhood. I also said that in the neighbourhood of that institution existed a school. It was housed in a rented building and received no assistance from, and allowed no control by, Government but was financially assisted to some extent by the *Kashi Vidyapith*. The District Magistrate, all-knowing person that he was, declared the *Gandhi Ashram* as an unlawful association under this Act, and seized this little school. So far as the *Kashi Vidyapith* was concerned, the staff and the students were turned out, and the large premises, humming with life, were reduced to the status of a grave, where just two constables resided in their own grandeur and glory for two years and a half. This school was also seized. I wrote to the District Magistrate immediately telling him that that was not the *Gandhi Ashram*, but a boys' school. He said, his information was that it was the *Gandhi Ashram*, and, therefore, it must go; and at midnight some 40 little children were turned out in the month of January. It was lucky, humble as I am, that my little house happened to be near there; and all these forty little children got shelter under my humble roof. Those school premises also were notified and put under the control of a couple of constables. The humanity of the proceeding was above all praise! The District Magistrate, himself tucked under comfortable quilts, sends out forty little children at midnight in January to pass the night in the streets or anywhere they please, because His Majesty's empire was in danger! The *Gandhi Ashram* proper, Sir,—such is the irony of the situation,—went on, luckily for us all, functioning merrily as a *khaddar* shop right in the heart of the city all the two years and half that this little school was banned as the "*Gandhi Ashram*" under this Act, and its premises put in charge of the local police.

Then, I come, Sir, to the Prem Maha Vidyalaya of Brindaban. This Prem Maha Vidyalaya is also an independent educational institution seeking to give instruction in technical subjects up to the secondary standard. It is a most useful institution founded by one whom most of us regard as a great man, whatever the opinion of the Honourable the Home Member about him may be. Raja Mahendra Pratap, who set apart the major portion of his property in order that this institution should flourish. While the *Kashi Vidyapith* and the Kumar Pathshala have come back to their rightful owners, the Prem Maha Vidyalaya still continues under ban, in accordance with this law. When questions are asked of the Honourable the Home Member as to why the institution continues to be still banned, he says its activities are dangerous to the

public peace. Sir, for three years and a half it has not existed, and still its activities are dangerous to the public peace. Not satisfied with that, the Honourable the Home Member, with the help of his monocle, has also discovered a rifle in the possession of another institution that also continues to be similarly banned, namely, the Hindustani Seva Dal. Sir, while every British boy is taught how to drill, while every Englishman is taught how to walk erect, we are not only condemned to a sort of slouchy existence, to an inalert life, but whenever anyone of us wants to drill, there is a flutter in the dovecots, and everybody feels that an army is on its march to Delhi! The Hindustani Seva Dal thus continues under the ban; and, despite all our attempts to have a *darshan*, a sight, of that wonderful non-existent rifle, the Home Member is still searching for it; and, because of this supposed rifle, the Hindustani Seva Dal must continue to suffer.

Then, Sir, let us also see how this Act has been worked against individuals. I take the case of Pandit Motilal Nehru—no small man that, Sir, as I hope even the Honourable Members opposite will also recognize. Overnight the Working Committee of the All-India Congress Committee is declared an unlawful association; and at 3 o'clock in the morning Pandit Motilal is arrested in his bed, marched off to prison and confined there. The case was so scandalous that an advocate of the High Court brought this matter to the notice of the Chief Justice. There was a case and the Chief Justice said that the mere declaration of a body as an unlawful association does not make all its members fit for the prison; time must be given for the persons associated with such an association to dissociate themselves from it if they should so like; and he quashed the sentence. I know that as the Chief Justice himself remarked in the course of his judgment, Pandit Motilal Nehru did not stand to gain much because the Government had taken care to charge him under another section of the law as well, under which the conviction stood.

I will proceed to give another case; and that is that of Mr. B. P. Sinha who was convicted to a year's imprisonment in Benares for activities connected with the All-India Congress Committee, which, curiously, was never declared an unlawful association in 1932. It was represented to the Deputy Magistrate who was trying this case—and if my Honourable friend, Sir Cowasji Jehangir, were here, I would have told him that this Deputy Magistrate was an Indian,—that the All-India Congress Committee had not been declared unlawful. But he said he had a slip of paper from the District Magistrate, who again was an Indian, to the effect that it was so declared, and, therefore, the accused must be punished. Well, Sir, the father of this gentleman took up the case to the High Court and the High Court set aside this conviction. But all cases cannot go up to the High Court. Our poverty is a sufficient guarantee to this Government that most of us will suffer rather than seek justice which is impossible to attain unless we have a long purse. I may also mention that in Gorakhpur, which is one of our poorest districts, heavy fines were imposed on the village people, because they belonged to the Congress which had been banned under this Act. Men who had perhaps never seen Rs. 25 or Rs. 30 in a lump at one time, were sentenced to fines of one thousand and Rs. 1,100; and these fines were forthwith sought to be realised by depriving their mud huts, of their roofs and of their households, of utensils.

An Honourable Member: This is like an Indian State.

Mr. Sri Prakasa: And this is a super-Indian State! What do you think it is? Do you think it is England? Our troubles do not end there. Gentlemen in charge of jails keep a particularly sharp eye on us and I will give you one very pathetic instance which occurred within my knowledge. To me it appeared to be very pathetic, however different it may look to the stern rulers of the land sitting opposite, who, in the name of so-called duty, must sacrifice all sense of humanity!

A Bengali lady was sentenced under this Act to a certain number of months of rigorous imprisonment. She had a child, and the date of birth given in its horoscope showed that it was four and a half years old. The child went with the mother to the prison, because children under six years are allowed to share imprisonment with their mothers. One day, suddenly I learnt that the child had been taken out of the jail by the kindly Superintendent—again an Indian—and nobody knew where the boy was. I rushed along here and there to find out where the child was. The family was given no information; the brother of the lady and her son were searching for this boy everywhere. They knocked in vain at the jail gates to find out his whereabouts. No information was vouchsafed to them. At last I went to the jail gate—I assure the Honourable the Home Member, if he is smiling at the story and not at any joke that he might have cracked with his neighbour, the Honourable the Finance Member, that I am speaking of facts within my own knowledge. I spoke to the Superintendent and asked him about the boy. He entered into a long and irrelevant conversation, which, if he had indulged in in this House, he would have been pulled up; and at last he vouchsafed to me the information that he had sent the boy to an *anathalaya*, that is, an orphanage, through the District Magistrate. I asked him why he did so, especially when the woman was to be released from the jail only in another fortnight or three weeks. He replied that the rule was that no child over six could remain in jail with his mother? I said: "Surely when you had once taken the boy in, you could have stretched the law. There is the horoscope of the boy which shows that it is not yet six years." But, of course, the I.M.S. Superintendent knows more about the age of a boy than even a birth certificate. At last, I found the child in the *anathalaya* and rescued it with great difficulty, because the people in charge of the *anathalaya* said that the child had been sent to their orphanage by the District Magistrate and I must go to the District Magistrate to seek his permission to return the child. Well, Sir, we have to go to many places in this life, and, when a thing like that happens, one has to go to places much worse than the house of a District Magistrate. At last we rescued the child. This is the way in which this Act has been worked, and, if I were a part of such a Government, I should be ashamed of myself.

The basis of modern jurisprudence seems to be that "the King, i.e., the Government, can do no wrong". Well, so far as I understand the ancient ideal of this land, it is that the King or Government alone can do wrong, and the subjects can do no wrong. Here, in India, with all their pretensions about responsibility, I want to know how are persons in authority responsible at all? What is the meaning of responsibility? Responsibility, if I understand English at all, means that a person is to be punished if he fails to fulfil the duties that have been placed upon him. Are any persons opposite ever punished for anything they might do or omit to do? In India, the consequences of the faults of the officials as well as of the non-officials fall on the non-officials alone. But that was not so in ancient India. I am sure, the Honourable the Law Member, with his knowledge

of ancient as well as modern jurisprudence, with all the learning that he undoubtedly possesses, and, at the same time, with all his patriotism and self-sacrifice which I acknowledge, whether it is acknowledged by others or not, I am sure, he will be able to agree with me when I say that in ancient India the King was held responsible for anything that went wrong. I will give you a story. It is related that, in the time of Shri Rama Chandra, there occurred some deaths of infants. People gathered at the King's gate. In those days, you had no necessity to sign your name in the visitors' book or wait for a letter from the Private Secretary. The people went to the gate and clamoured to see the King. They insisted on an immediate audience, and the King had to give it. The King came out and asked them what the matter was. The people said that their children were dying; the King must have sinned; he must be to blame for the people's misfortune. Well, Sir, what happens here? Nobody in high office is to blame if the children in the city die in large numbers. They will say that it is their own fault. Why are they born? Or why are their parents careless in bringing up their children? The present officials will say; it is none of our business. But, in those days, it was quite different. Shri Rama Chandra said: "I must be to blame". Then he set out searching for the Health Officer of that town and he found that that wonderful man, instead of attending to his duties, was praying to and "worshipping" God with shut eyes and motionless body. Worshipping God is no fault, if you believe in Him; but the best way of worship is to do your duty rightly. The King said to the Health Officer: "It is no business of yours to go on worshipping God in this fashion, and neglect your duties for which you are paid. You are appointed to look after the drains and keep the town clean and healthy". The Health Officer was engrossed in his devotion to God, and did not hear what the King was saying. The King took out his sword and cut off the head of the Health Officer who was engaged in falsely worshipping God and neglecting his true duty. I think that served him right. But what happens now in this country? What-
ever disaster may happen to the people, no trouble comes to those who are in charge of the administration of the country. If I were the Government, I should say to those whom I appoint to the various districts: "If there is any trouble, you will stand to blame; if there is a Hindu-Muslim riot, you will be sacked; and if there is a murder, you will be hanged". (Laughter.) And if a couple of District Magistrates were hanged without charge or trial on the nearest tree after a Hindu-Muslim riot, you will never hear of any more riots. (Laughter.) That is the cure for this ill. Honourable Members there may laugh; but if they will only try this method, they will see that they will succeed; and if they do not succeed, I will offer my own life in expiation. I feel that officials in India enjoy a tremendous amount of prestige and too much freedom from all liabilities for their actions. I think it is time that they should be pulled up. Instead of that, you have all these laws in order to protect the official as against the tax-payer. I say, why should not the officials also undergo the risks of their profession? Have you any special laws for the protection of the zamindars, bankers, merchants and others? Are they also not occasionally hurt and even killed by those who feel that they have a grievance against them? You surely apply the ordinary law of the land; but when it comes to officials, you suddenly wake up and you want special protection for them. I do not understand how their lives are more valuable than our lives; why they should be exempt from running the risks of their profession any more than other people? But such is the dispensation of this Government that its servants are the most important people in the world and must

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be saved from all harm and given all the conveniences and comforts of life at all costs. What is the percentage of officials killed during the last few years?

The Honourable Sir Henry Craik (Home Member): What has this got to do with the Bill?

Mr. Sri Prakasa. It has got everything to do with the Bill, because, whenever you find that some association is getting rather uncomfortable for your officials you put this law in operation. That is what it has got to do with the Bill. I thought the Honourable Member understood that much. I ask, what is the percentage of officials that have been hurt or killed during the last few years? Over a crore of officials must have functioned and only a few have been killed; while, in other professions, you find a far larger number of persons killed and maimed. I do not see what is the use of making special laws for the protection of your officials.

I shall now proceed to give a resumé of the law as it stands which can be used for the suppression of all the "isms" that are anathema to the Government opposite. What exactly do the Government want? They want that they should have the power to kill anybody they like and whenever they like to do so; they want the power to imprison anybody they like for as long a period as they like and whenever they like to do so; they want to inflict physical suffering on anybody who has incurred their displeasure; they want also to forfeit properties. I say that you can do all this with the help of the ordinary law, and I will tell you how. You declare under section 144 of the Criminal Procedure Code that a particular assembly is unlawful, and, if the assembly does not disperse, you shoot. In Benares, it has so happened; three men lost their lives and over a hundred got many bullets in their bodies, because a particular assembly was declared to be illegal and the members thereof did not immediately disperse at the bidding of the District Magistrate. Therefore, you see you can kill if you are so minded and no harm will come to you. The District Magistrate concerned became a Commissioner, and, later on, an M. L. A. also. So no harm came to him. If you want to shoot any individual, you may safely do so, and if there is any case you can say that you did so in self-defence, and you will hear no more about it.

Then, Sir, if you want to imprison, sections 107-110 of the Criminal Procedure Code give you all the powers that you need. My friend, Mr. Owen, whom I do not see in the House this Session, speaking at the Delhi Session last year, said, that these sections were very properly employed, and gave himself a certificate that they were so done. He said that section 107 was only used against bullies. Now, Sir, a remarkable example of a bully you will find in the present Member of this Assembly from the Seven Cities of the United Provinces Non-Muhammadan Urban Constituency (Dr. Bhagavan Das). Usually he is regarded as an elderly gentleman, respected as a philosopher unable to harm anyone; but he was sentenced to a whole year of imprisonment under section 107. Such is the bully about whom Mr. Owen felt so nervous! Then, there is section 109 which he said was used against habitual seditionists. Of course, "sedition" is a very wide word. In taking action under section 124-A, Indian Penal Code, you have to get sanction from Government; under section 108, Criminal Procedure Code, you catch hold of a man and ask him to show

cause why he should not be sent to prison. And if he shows some cause, you simply do not accept it and send him to prison. Now, sections 109 and 110 are such that you can send anybody to imprisonment for long terms at your sweet will. You have only to say "bad livelihood", and off he goes; I have a number of cases here where respectable persons like Muniswara Avasthi, Surendra Pandey, Ajay Kumar Ghosh, Satgur Dayal Avasthi Birendra Pande and others of Cawnpore, and many from Meerut, Dehra Dun and Allahabad as well, persons who were educated and in proper recognised professions, were sentenced to terms extending to two and even three years under these sections of the ordinary law. So, Sir, I say that you have no need of this Criminal Law Amendment Act of 1908 at all. You have simply to use these wonderful sections of the Criminal Procedure Code and you get what you want and we get what we deserve.

The Honourable Sir James Grigg (Finance Member): Hear, hear.

Mr. Sri Prakasa: Yes, I say "what we deserve" deliberately and knowingly, because, when a people have sold themselves into slavery as we have done, no wrong that can be done to us is too great.

You may refer to the Evidence Act. I know what the Evidence Act is. All that fat volume of the Evidence Act is put aside, and the Magistrate's dictum, "I believe so and so" or "I do not believe so and so" is enough! I have been through the mill myself, and I know something about it. When a person is put on his trial and a friend comes to give evidence in his favour, the Magistrate says: "This is interested evidence, because so and so is a friend of the accused"; but when a policeman comes and gives evidence against him, of course he is not an interested person at all! Why should a policeman speak a lie? So off the man goes to jail. You see all that at very close quarters in jails, at least in my province; I do not know about other provinces.

Sir, I have already referred to the ordinary law allowing the judiciary and the executive to be united, and so the man in the dock has very little chance of being saved. I have known of a Deputy Magistrate who has come to me after delivering a very harsh judgment saying with tears in his eyes that though the evidence was all against the prosecution, he had to convict because he had orders from above. In another case, Sir, somebody was interested and saw this man; and he said "Of course, I am going to do justice in this case: I have no orders from above. This is not a political case". So, you see, this is how the judiciary works. I was rather interested in some of the reminiscences of Sir Tej Bahadur Sapru of his days as a Law Member here. Lord Reading was the Viceroy and his attention was drawn to some serious breach of justice on the part of a Sessions Judge.

The Honourable Sir Henry Craik: What has this got to do with this Bill?

Mr. Sri Prakasa: In these reminiscences, Sir Tej Bahadur Sapru says that the then Viceroy asked him: "Is this the usual type of judges in India?" The Honourable the Home Member very rightly asks what this has got to do with this Bill. Nothing at all, but it has to do much with him because he has given himself a certificate of the times when he was a Sessions Judge. I do not know whether Lord Reading was referring to him.

[Mr. Sri Prakasa.]

I say, Sir, that the ordinary law also gives the executive the right to catch hold of any person and put him into jail. When a Governor comes to a town to see things for himself as he says, a number of persons are clapped into jail. I do not know why that is done, but that was recently done in Benares, and the men were let out as soon as the Governor left. Then, roads are closed at the mercy of the executive. I have known of doctors not being allowed to go to their patients because the roads were closed for the Governor to pass in solitary glory. What all that I am saying has to do with this Bill is this—and I have so repeatedly said it that I am ashamed to repeat it again; but I must do it, because my Honourable friend, the Home Member, opposite, refuses to understand the implications of what I am saying—that your ordinary law is strong enough, stout enough, long enough for you to do anything you like, from murder to imprisonment; and you do not need these special laws.

What I say, is not so much in the interest of this side of the House; I say it all in the interest of the other side of the House. Why do they allow themselves to get a bad name when the ordinary law gives them all the powers they want and why do they come to this Legislature and tell the whole world that they are intending to act illegally, unlawfully, arbitrarily? I say, Sir, that I am so much interested in the welfare of this Government (Laughter) that I am anxious that they should get a good name for themselves and leave that name to be worshipped by posterity for ever and a day. Therefore, Sir, my Honourable friend, the Home Member, should be very much interested in all that I am saying and should exercise his great influence with Government to agree to the acceptance of this Bill and start the great game of repression tomorrow under the ordinary law. No one here, lawyer or non-lawyer, will have anything to complain then, because he will always be able to say with perfect safety and with perfect candour that what he was doing was all under the ordinary law.

Sir, the Indian Penal Code and the Criminal Procedure Code are perfect in all their component parts. The persons who are responsible for making these laws had diabolically perfect brains; and I believe that the Commissioners who under the inspiration of Lord Macaulay drafted the Indian Penal Code, themselves say: "We have made the law so perfect that if somebody dips his pen in another man's ink he can be imprisoned for theft." (Laughter.) These laws are so perfect that I am surprised that the Law Department of this Government is not able to help the Government to carry on the administration without the need of special laws. Not only are the executive and the judiciary one, but the Legislature as I have already said, is also under the thumb of the executive. I have the authority of my friend, Mr. James, to say, that in England the Returning Officers are non-officials—Mayors and others. Why is it in India that they are all District Magistrates? District Magistrates have their own bias in matters of elections, and, in my province, of late, they have exercised the bias tremendously. I have got here two orders by the District Magistrate of Hamirpur. For the satisfaction of my friend, Sir Cowasji, I may say that this Magistrate's name is Rai Bahadur Pandit Kamalakar Dube. He is an Indian, I will show you how insidiously they interfere with elections.

Mr. Sri Prakasa: The Magistrate's order reads:

"The applicant helped the Congress in the recent District Board elections and is certainly disloyal. I, therefore, cancel his gun licence." ("Hear, hear," and Laughter.)

Another order of the same Magistrate says:

"The applicant helped the Congress in the recent District Board elections and is entirely disloyal. I, therefore, cancel his licence. Arms and licence to be deposited. K. Dube, District Magistrate, Hamirpur."

In one case, he is "certainly" disloyal and in the other "entirely" disloyal. Sir, recent investigations in Etawah and other places have shown how, in the elections that have just closed, District Magistrates and other officials have interfered in the elections,—so much so that at some places persons who were going to vote for the Congress were not allowed to enter the polling booth at all. It is amazing. I myself was surprised at something that happened under my very eyes. I saw that the Returning Officer ordered the policeman outside to divide the voters according to their votes for the three candidates who were standing for election. I then rushed into the polling booth despite all protests and asked the Returning Officer as to why this was being done. He said: "I know my district"—as though it was his patrimony—"more than you". But I said: "I have resided in this district for the last 400 years at least. All my ancestors have been born here and have died here, and you know this district more than I do!" He said: "I know my district, there will be a regular *gol mal*, a riot, if I do not do this." I replied: "Very well, you go on, do your best." It is time, Sir, that this Government thought of the necessity of at least taking away from District Magistrates the management of elections. But still, so far as that goes, the executive is in power, not only in the matter of legislation here, but also of elections for these Legislatures outside. Of course, here you may talk till you are blue in the face and nothing happens. But even this useless talking the Government do not like; they take care that a certain type of person should not be allowed to come here at all. It is possible that our presence here in this Assembly through the kindness of the Government which was good enough to take away the ban imposed upon us because of the long imprisonments that they themselves gave us under this very Act—our presence here, so to say, under their generous indulgence, has so frightened them that in my province everybody, who now applies to have the ban removed, gets the stereotyped reply: "The Governor-in-Council is pleased not to remove the ban." The executive also can under the ordinary law—and this is what I am pressing again and again for the understanding of my exceedingly brilliant friends opposite—shut up all newspapers. The *Abhyudaya* case is before you. A Member of this Assembly delivers a speech here. It is printed in the official proceedings, which are sold for five annas a copy by the Government Press. He thinks that he should approach his constituents that they may know that he has been delivering a speech in the Assembly, and he translates it and publishes it in his Hindi paper. Down comes the ukase from Naini Tal or Lucknow that, because that speech was published in this paper, therefore a sum of no less than Rs. 2,500 should be deposited; and, if my friend is not able to find this Rs. 2,500 at a moment's notice, he must be a man of straw, and, therefore, he has no need to exist in the society of the present day.

The Honourable Sir Henry Craik: What has that to do with the Bill?

[Mr. Sri Prakasa.]

So, after all that I have said, it should be quite clear to every part of this House that the real conspiracy that exists in this country is the conspiracy of the Executive Council opposite. It is the biggest and the cruellest conspiracy that I think has been known to history. Then, there is another conspiracy, and that is of the highly paid Government servants who, if any, are members of unlawful associations and who are constantly scheming for self-aggrandisement and working against the people from whom they draw their nourishment. Do the Government know that the Indian Police have a paper in my province? It is published either monthly or fortnightly; and it is confidential and contains all sorts of threats to Government that the police will do this and not do that, if their salaries are not increased, if their pensions are not increased, if more allowances are not given to them, *ad libitum*. That is not barred. That is allowed. Government permit all conspiracies by their highly paid staff and their wealthy supporters. Big officials, zemindars and merchants can meet without any danger coming to them from Government, however much they may conspire against large classes of their own countrymen. But if *patwaris* and constables started having their own organizations, then Government will come down upon them; and, so far as labour and workers' organisations are concerned, we know how they stand. In my province at least, an order under section 144 is very common when labourers or peasants are going to meet. It is not in the public interest for them to meet.

It seems to me that the present Government have just two ideals; one,—maintain the political *status quo* by keeping the agitator down; and, two,—maintain the economic *status quo* by keeping the poor man down; and because they want to do all this, all these laws have become necessary for them. My Honourable friend, the Home Member—and my constant reference to him may be taken as a compliment rather than as a mark of hostility—has on more than one occasion described the terrorist as Public Enemy No. 1, and the Communist as Public Enemy No. 2. He is an English gentleman, full of the traditions of that fine race, and, therefore, in accordance with the conventions of polite society, he has always excepted present company. You always say in polite society: "present company always excepted". Otherwise I have no doubt that he would have gone on and described us, on this side of the House, as Public Enemy No. 3. But I am not English, and what is better, I am no gentleman; and, therefore, I am not going to except present company. I will say straight off that Public Enemy No. 1 is Imperialism, represented in this House by the Law Member on the one hand and the Order Member, in other words, the Home Member, on the other. Public Enemy No. 2 is Capitalism, represented here by the three other Members of the Executive Council, those for Industries, Commerce, and Finance. And Public Enemy No. 3 are all the gentlemen behind—the Bureaucracy, always ready to sing in accordance with its master's voice and net in accordance with its master's orders. You know, Sir, and I know that the gentlemen there may be Back-Benchers here, but they are very much the Front-Benchers in their own districts. There is no one in the district equal to them at all, and they can do or undo anything they like in their districts. Mr. Griffiths—I am sorry if I have to say anything against him in his absence, but I am not to blame if he is not here, he has to thank those who nominated him and sent

him away—was more or less polite here; but we know of his exploits in his own district; and his continuous orations in durbars and his action against his and my friend, Mr. Amarendra Nath Chattopadhyaya, there. Now, these are the three enemies we have to encounter; and, if any law is brought before this House for the suppression of these, it shall have my most fervent support.

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

The Commerce Member, speaking on this Bill at Simla, said that the Act did not interfere with the activities of honest men and that these honest men could carry on their activities without any let or hindrance. By 'honest' I believe he meant the sadists and masochists—persons who inflict suffering and those who allow suffering to be inflicted on them; in other words, the Government Officials on the one hand, and labourers, scavengers, peasants, workers, *khansamas*, etc., on the other, who, if they have not enough to eat, must die quietly of starvation. Those, however, who are not satisfied with this scheme of things, those who seek a better ordering of society, are faced with this Act. Sir, society does need not only those who suffer and those who inflict suffering, society also needs those who show to the unfortunate the way out of suffering. I remember my friend, Mr. Clow's sarcasm yesterday—and I scarcely expected it from him—when he said that Mr. Joshi and others unnecessarily teach persons what is good for them, and it is not a fact that those persons themselves want what Mr. Joshi thinks what they should want. I feel, Sir, that the world does not only need persons who just suffer quietly, but it also needs persons like Mr. Joshi, to go and tell them that they should not suffer quietly but should seek redress of their wrongs. If by honesty the Honourable the Commerce Member meant only those who suffer uncomplainingly and those who inflict suffering wantonly, I should like to leave all honesty to him and join myself with the large band of 'dishonests' that are in this world.

The Honourable Sir Muhammad Zafrullah Khan also said that the activities of some of these associations that were declared unlawful interfered with the legitimate discharge of their duties by various persons—shopkeepers and others—who were forced to observe *hartals* on particular days. I was glad to find that the Honourable Sir Muhammad Zafrullah Khan was keen on freedom and individual liberty, but, surely, Sir, he will not allow persons inclined that way to take cocaine, poison or commit suicide; surely he would like to interfere when persons are engaged in such activities despite his love of individual liberty. He should not also forget that Congressmen can only request traders and others to suspend business on days of mourning, while the policemen force people to open their shops when they would like to join the mourning; and close their shops when they are not in a mood to undergo any mourning. Surely, this is a sword which cuts both ways, and, therefore, let it not be used at all.

Now, Sir, I come to my friends, the non-official Europeans, in this House. The connection with non-official Europeans and my family is at least of a century's duration; and whatever feelings other Members of the House may have towards Europeans, I have nothing but great admiration and affection for them. Personally, Sir, having been closely connected with Mrs. Annie Besant and the Theosophical Society, I have

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the greatest amount of esteem and regard for non-official Europeans who are in our country, as apart from the official Europeans, whom I may not like very much. (Laughter.) I think the presence of European non-officials in India is good for us; and, personally, I revere the memories of many European teachers and enjoy the affection and confidence of many European friends. I personally think, Sir, that the non-official European is the only ray of light in the darkness that surrounds us; for by his position as a non-official, he could meet us on a level of equality, and as English, he can similarly meet the English officials of the land; and thus serve as *liaison* between the two peoples. With these ideas in my mind, Sir, I should like to make an appeal to them to help us to do away with this bad law; and I do this in all sincerity and earnestness. I am very glad to find, Sir, that the two old gentlemen, Sir Leslie Hudson and Sir Darcy Lindsay, are back in their seats this Session (Laughter), because, in their absence, we could not induce the European Group to cast their votes even once with us at Simla. I hope that, as they did last year at Delhi, they will do the same this year, and vote with us sometimes at least.

My friend, Mr. Morgan, Sir, speaking on this motion at Simla was exceedingly upset over conspiracies, and he was full of ideas of the prestige and importance of the governors of the land. I will ask him a simple question. What about the conspiracy of his ancestors in trade in Calcutta when they wanted to bundle Lord Ripon out of the land, and when, in a moment of great joy and excitement, they danced in Chowringhee, singing: "Let us put a Duffer out, before we put a Duffer in." (Laughter.) That was a conspiracy of which he cannot be justly proud, and if 1908 had been a year before that, they might have got into trouble. The House will remember that Lord Dufferin succeeded Lord Ripon.

Then, Sir, my friend, Mr. James, quoted at Simla from a number of papers which were supposed to have been issued in the interest of unlawful associations, and said how can these papers be allowed to live when they write such things that cannot possibly take place. Since then, Sir, we have had the Benda incident, and we know that things happen which are difficult to believe. It is an accident that this particular incident has been discovered; but many things like that are happening all over the land every day, and it is no good for any non-official Europeans coming here and lauding Magistrates who shoot agitators, and holding up their hands in holy horror when there is shooting on the other side. Sir, I dislike shooting on both sides. I hate shooting of any sort or kind, and, therefore, I should like my friends the non-official Europeans not to disappoint us, as I fear the official Indians have disappointed us. I am, Sir, no believer in that passion for Indianisation which seems to trouble so many of us. I have seen a number of high Indian officials, and I am no admirer of the way they go about their business. In fact, I am very much in favour of a gradual Europeanisation of the lower services. (Loud laughter), so that, Sir, both for the sake of efficiency and dignity, every *chowkidar*, every *patwari*, every rickshaw coolie, that drags the umbrellas of the Honourable Members opposite, should be a European. (Loud laughter.) I dislike the word coolie, but I use it on the authority of my Honourable friend, Mr. P. R. Rau, who quoted the Oxford Dictionary in his support.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is digressing a good deal from the subject.

Mr. Sri Prakasa: I am very sorry if I did so, but I have tried to explain very often in the course of my speech that I was only trying to show that the ordinary law of the land is strong enough to meet all contingencies and, therefore, no special law is necessary. I had to dilate at length on that topic in order to convince my Honourable friends opposite that this law is really useless and that by enacting it they are only getting a bad name in the country and the world, while the ordinary law will help them to do whatever they like and whenever they like it. That is the relevancy of all that I have said and I crave your indulgence for a few more minutes, so that I may be able to finish.

Some Honourable Members: Go on, go on.

Mr. Sri Prakasa: Of all the great problems that tax the thoughts of the most thoughtful and stir the feelings of the most sensitive, perhaps the most difficult of solution is the problem of the adjustment of relations between an alien people and a subject race. I understand, I recognise, I appreciate that a government, however bad, must govern. I also appreciate that a people, however low, must attempt to be free. And when I have said that, I believe everything else follows as a logical sequence. From terrorism to whipping on the one hand on the part of Government, to terrorism and parliamentary pressure like that exercised in this House on our part, on the other, are all links in the great chain. We have nothing to be afraid of, we have nothing to be sorry about, because a government must govern and the people must attempt to be free. But what I say is just this, that there should be no hypocrisy about this relationship.

The Honourable Sir Nripendra Sircar: I move that the question be now put.

Several Honourable Members: Let the question be now put.

Mr. President (The Honourable Sir Abdur Rahim): The Chair hopes the Honourable Member will finish his speech.

Mr. Sri Prakasa: I am just finishing.

Mr. President (The Honourable Sir Abdur Rahim): There is a good deal of repetition, too much of it.

Mr. Sri Prakasa: There should be a frank recognition of the position. I do not understand why my Honourable friend, the Law Member, is so sensitive or so impatient. We heard, with the greatest patience, for three or four hours, his speech, and surely he may extend to me the same courtesy for a few more minutes. I will just say this to the Honourable the Law Member. In one of his periods of inspired oratory he asked my Honourable friend, Mr. Sham Lal, as to who was the Hanuman in a particular Ram Lila show? Mr. Sham Lal got rather disconcerted, but I am assured by an anatomist that I have still a bit of a tail left, and so I will say, I am prepared to be Hanuman if he

[Mr. Sri Prakasa.]

will be Vibhishana and help us to bring down this Ravana and destroy this Lanka. That was what I was going to tell him when he interfered unnecessarily. Sir, we must recognise the psychological facts as they are, and we must also be prepared to face the situation as it is. I was only going to say this, that, if the talk is of strong government, I have no objection. All my objection is to the hypocritical talk of constitutional liberty and ordered freedom. If the Government mean to govern whatever happens and as long as they can possibly govern, let them say so and let them do as they like. But if they say that they are leading the country into paths of constitutional liberty, of ordered freedom, all that I have to say is that these Criminal Law Amendment Acts are not the proper foundations on which the edifice of India's future liberty can be built, nor are the members of the present Government the fittest architects of India's future destiny. (Applause from Opposition Benches.)

The Honourable Sir Henry Craik: The question may now be put.

Several Other Honourable Members on Government Benches: Let the question be now put.

Mr. Ghanashiam Singh Gupta (Central Provinces Hindi Divisions: Non-Muhammadan): I have my amendment, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Why did not the Honourable Member rise in his place when the clause was called? That was the proper time to move the amendment, and if the Honourable Member did not rise in his place to move his amendment, he has lost his chance.

Mr. Ghanashiam Singh Gupta: I was not called.

Mr. President (The Honourable Sir Abdur Rahim): There is no obligation on the Chair to call upon those who have given notice of amendments to move them. It is for Honourable Members themselves to take care of their amendments. That has been repeatedly ruled, and the Chair is going to follow it.

Mr. Ghanashiam Singh Gupta: May I submit one word? My amendment is third in the list, there are two other amendments before mine, to be reached, and I thought that only after they had been moved, I would get a chance of moving mine.

Mr. President (The Honourable Sir Abdur Rahim): When those Honourable Member did not move, then the Honourable Member who wants now to move his amendment should have got up at that time.

Sardar Sant Singh (West Punjab: Sikh): If there are a number of amendments on the agenda paper, how can Members whose amendments come subsequently know that Members in charge of those previous amendments are not moving? This will lead to a lot of confusion.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has only to look at the agenda paper.

Sardar Sant Singh: But I am waiting for my amendment to be reached.

Mr. President (The Honourable Sir Abdur Rahim): The question has been the subject of ruling more than once, and the Chair is only following it. The Chair will not allow any amendments to be moved at this stage.

As regards the closure that has been moved, the Chair finds that about fifteen Members have already spoken on this Bill, and it accepts the closure.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): May I just read out a ruling on this question of closure which is at page 208, No. 237?

After discussion had proceeded for some time on the Resolution regarding extension of reforms to the North West Frontier Province, Mr. K. Ahmed moved for closure:

The President remarked, "If Honourable Members wanted the Chair to accept the closure they should not have got up in large numbers at first. It is impossible for the Chair to accept the closure at this moment when there are leaders of important parties who have not yet spoken."

After one more speech, Mr. K. Ahmed again moved for closure:

"The President ruled: 'Some Honourable Members desire that the Chair should accept closure at this stage. They know very well that if the Chair is unable to accept closure now, they have to thank themselves for it. They should not have got up in such large numbers and taken their turn first, but should have allowed the other side also to state their point of view. The Leaders of the two important Parties have not yet spoken and the Chair understands that both Mr. Jinnah and Pandit Motilal desire to do so. The Chair has also ascertained that Diwan Bahadur Rangachariar, who was a prominent Member of the Frontier Committee, as also Sir Sivaswamy Iyer, desire to have an opportunity to participate in the debate. The Chair, therefore, regrets it cannot accept closure at this stage.'"

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not know if the Honourable Member has seen the list of Members who have spoken.

Mr. Bhulabhai J. Desai: I know, but my submission is this. The point of it appears to be, at all events, it may be out of deference, or something else, but as I happen to stand in that position I speak with a certain amount of hesitation. The point that I wish to lay emphasis on is that if Leaders of important Parties wish to speak, they are always allowed an opportunity to do so.

The Honourable Sir Nripendra Sircar: May I make a submission? On the last occasion, you said, and if I may say so respectfully, very correctly that clause 2 embodies the principle of the Bill and the object of the Bill. That has been discussed threadbare upon the motion for consideration. You have got to look at the facts of this case. There is nothing beyond clause 2 which has been discussed during the consideration stage. On that, my Honourable friend, Mr. Desai, has spoken and the leader of the Nationalist Party.

Several Honourable Members: No, no.

Mr. Bhulabhai J. Desai: I have not spoken a word. None of us have spoken. After the second reading, I have not spoken, and I am entitled to speak.

The Honourable Sir Nripendra Sircar: I have not suggested that he has spoken on clause 2.

An Honourable Member: Nor Mr. Aney.

Sir Cowasji Jehangir: Has the Law Member had a chance of speaking on this motion? (Laughter.)

The Honourable Sir Nripendra Sircar: If my friend will listen to me, he will see

Mr. Bhulabhai J. Desai: On a point of order. I really mean it. It is not a mere form. The facts that are being stated now have got no reference to the rulings. The point which I want to emphasize and ask the Chair to take into consideration is this. Irrespective of any other question—my friend raises them when it suits him and he does not when it does not suit him—I do not want to interfere with it, what I wish to say is that, on the consideration of clause 2, neither Mr. Aney nor the leaders of the three Parties have spoken, and they wish to address the House. So this is not a proper time to accept closure. That is the point. It is no use saying that I spoke on some other occasion.

An Honourable Member: Mr. Aney and Maulana Shaukat Ali want to speak.

Mr. Bhulabhai J. Desai: This is an important and far-reaching measure. It may be nothing to them. It is everything to us. It is our liberties that are at stake, not theirs. They are all stable and they will remain stable.

Mr. President (The Honourable Sir Abdur Rahim): Is not clause 2 the same as the Bill itself?

Mr. Bhulabhai J. Desai: I may remind you of a previous occasion. I claim equality with the rest of the Members of the House here. I have not transgressed your ruling either directly or indirectly. You might remember the case that arose at the time of the Railway Budget. You have given the ruling that it is open to us to speak, and there is no question of repetition.

The Honourable Sir Nripendra Sircar: The rule to which your attention has been drawn is on page 287. There, in the course of the discussion on a Resolution, and before the leaders had spoken, Mr. Ahmed wanted the closure to be put, and the President said, and rightly said that on that Resolution the leaders had not spoken, and, therefore, he would not accept closure. The rationale of your decision was that there is nothing in this Bill beyond clause 2 which embodies the principle and

the real object of the Bill. That has been discussed threadbare upon the motion for consideration. You also said:

"There is no amendment of which notice has been given. So the Chair must rule that no general discussion can go on any further."

Now, the point is this. On this occasion, you very rightly pointed out that the leaders have spoken on the principle and real object of the Bill at the consideration stage. Then, there is the further point. You have given your ruling. You have accepted the closure. The ruling is that the general discussion cannot go on any further. We have to look at the common sense point of view. Every leader in the House talked on this, when the general principle was discussed for four days. I submit you have given your ruling, and that ought to be accepted.

Mr. President (The Honourable Sir Abdur Rahim): It is really for the House to decide. The Chair does not go back on what it has said already, that clause 2 of the Bill is the whole Bill and the Chair finds that the leaders of all Parties have spoken on that. The Chair will, therefore, put the question.

The question is that the question be now put.

The Assembly divided:

AYES 58.

Abdullah, Mr. H. M.
Acott, Mr. A. S. V.
Ahmad Nawaz Khan, Major Nawab.
Allah Bakhsh Khan Tiwana, Khan
Bahadur Nawab Malik.
Aminuddin, Mr. Saiyid.
Ayyar, Diwan Bahadur R. V.
Krishna.
Ayyar, Rao Bahadur A. A.
Venkatarama.
Bajpai, Sir Girja Shankar.
Bhagchand Soni, Rai Bahadur Seth.
Buss, Mr. L. C.
Clow, Mr. A. G.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Das-Gupta, Mr. S. K.
Dash, Mr. A. J.
DeSouza, Dr. F. X.
Dow, Mr. H.
Fazl-i-Haq Piracha, Khan Bahadur
Shaikh.
Gajapatiraj, Maharaj Kumar Vijaya
Ananda.
Ghiasuddin, Mr. M.
Ghuznavi, Sir Abdul Halim.
Grigg, The Honourable Sir James.
Grigson, Mr. W. V.
Hands, Mr. A. S.
Hudson, Sir Leslie.
Hutton, Dr. J. H.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur
Sardar Sir.
Khurshaid Muhammad, Khan Bahadur
Shaikh.

Lal Chand, Captain Rao Bahadur
Chaudhri.
Leach, Mr. F. B.
Lindsay, Sir Darcy.
Lloyd, Mr. A. H.
MacDougall, Mr. R. M.
Mehr Shah, Nawab Sahibzada Sir
Sayad Muhammad.
Metcalf, Sir Aubrey.
Milligan, Mr. J. A.
Morgan, Mr. G.
Muhammad Ismail Khan, Haji
Chaudhury.
Muhammad Nauman, Mr.
Mukherjee, Rai Bahadur Sir Satya
Charan.
Noyce, The Honourable Sir Frank.
Rajah, Rao Bahadur M. C.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Rau, Mr. P. R.
Sale, Mr. J. F.
Sarma, Mr. R. S.
Scott, Mr. J. Ramsay.
Singh, Rai Bahadur Shyam Narayan.
Simha, Raja Bahadur, Harihar Prasad
Narayan.
Sircar, The Honourable Sir Nri-
pendra.
Spence, Mr. G. H.
Tottenham, Mr. G. R. F.
Witherington, Mr. C. E.
Yakub, Sir Muhammad.
Yamin Khan, Sir Muhammad.
Zafarullah Khan, The Honourable
Sir Muhammad.
Ziauddin Ahmad, Dr.

NOES 60.

Abdul Matin Chaudhury, Mr.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Badi-uz-Zaman, Maulvi.
Badrul Hasan, Maulvi.
Banerjee, Dr. P. N.
Bhagavan Das, Dr.
Chattopadhyaya, Mr. Amarendra
Nath.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam,
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Essak Sait, Mr. H. A. Sathar H.
Gadgil, Mr. N. V.
Gaubha, Mr. K. L.
Ghulam Bhik Nairang, Syed.
Giri, Mr. V. V.
Govind Das, Seth.
Gupta, Mr. Ghansham Singh.
Hans Raj, Raizada.
Hosmani, Mr. S. K.
Jethi, Mr. K. M.
Jehangir, Sir Cowasji.
Jogendra Singh, Sirdar.
Joshi, Mr. N. M.
Kailash Behari Lal, Babu.

Khan Sahib, Dr.
Khare, Dr. N. B.
Lalchand Navalrai, Mr.
Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Mody, Sir Hormasji Peroshaw.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Paliwal, Pandit Sri Krishna Dutta.
Pant, Pandit Govind Ballabh.
Raghubir Narayan Singh, Choudhri.
Rajan, Dr. T. S. S.
Raj, Mr. P. S. Kumaraswami.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Satyamurti, Mr. S.
Sham Lal, Mr.
Shaukat Ali, Maulana.
Sheodass Daga, Seth.
Singh, Mr. Ram Narayan.
Sinha, Mr. Anugrah Narayan.
Sinha, Mr. Satya Narayan.
Sinha, Mr. Shri Krishna.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Thein Maung, Dr.
Umar Aly Shah, Mr.
Varma, Mr. B. B.
Vissanji, Mr. Mathuradas.

The motion was negatived.

Sardar Sant Singh: Sir, I congratulate my Honourable friend, Mr.

Sri Prakasa, on the very brilliant speech that he made. It is really very unusual that a non-official Bill should take four days on the floor of the House, and, at the end of it, there should be a closure motion applied by the Honourable the Law Member to close the debate. He has just appealed that from a common sense point of view the debate should have been closed earlier. He also made some ungraceful remarks, and, coming as they did from him, I must say that it was the Honourable the Law Member, if I mistake not and if I remember aright, who started the obstructionist tactics in the last Delhi Session. He went on with his speech for more than six hours, and, after taking away the time of the House in the Delhi Session, when it was felt that the Government votes were not strong enough to defeat this Bill, this Bill had to be postponed to the Simla Session.

The Honourable Sir Henry Craik: You felt that you would have lost the Bill, and that was why you adopted those tactics today.

Sardar Sant Singh: I am glad to confess that if the Government had been met with such tactics on the part of the Opposition, it is the Government that have to thank themselves for it. The Government first started the game, and, like good sportsmen, they should play it up. That is my reply to the remarks just made by the Honourable the Home Member.

Coming to the Bill itself, it seems that in all the speeches made on behalf of the Government, attempts have been made to justify the continuous existence of this Bill on the Statute-book. So far as I have been able to understand it, their point of view is that the conditions in the country, the prevalence of the terrorist movement, the coming in of communistic activities and added to these two, the communalism in the Provinces makes it obligatory upon the Government to possess such repressive powers. That, in brief, is the reason, that is the justification given by the Government Benches for the continuance of the Bill on the Statute-book. On the contrary the Opposition argues and argues very rightly that the powers given by the Legislature to the executive have been more often abused than used in the proper manner with the result that this Act has become an instrument of oppression by the executive to the detriment of the legitimate interests of the people in India. These are the two points of view which we have to meet. There is no doubt, Sir, that when the Government Benches come forward with their argument that no honest man need be afraid of the provisions of this Bill because the Bill aims to touch those who are not law abiding citizens of India and that it aims to punish those persons who are law breakers and that those who are not law breakers need have no fears by this Act, I submit, Sir, that such an argument is no justification for continuing a lawless law on the Statute-book for about a quarter of a century. But, at the same time, the Government cannot escape this fact that this law has been misapplied in many cases. If they are faced with any difficulty, I will be the first person to support them in maintaining this law on the Statute-book. If the Government can show from the records that the Government took action against those district authorities or against the Local Governments who abused the provisions of this law and who did not use them for the purpose for which the law was intended, I would have supported the continuation of this law. Can the Government tell me whether they have ever taken any notice of the District Magistrate who abused his powers derived from this law? Have the Government censured any District Magistrate, or have the Government taken any coercive action against the executive authorities when they did not use the law for the purpose for which it was really intended? I can challenge the Government on this point that they cannot point out a single instance in which the Government took to task any District Officers for having abused the provisions of this law. Now, Sir, the law has been in force for the last 27 years. The law has been administered in innumerable cases. Can the Government take their stand that its provisions have never been abused or that they never knew they have been abused. In almost all the speeches made by the Opposition Benches, an attempt has been made to open the eyes of the Government in this House and attempts have been made by writings in the Press and by the outside public to prove that the provisions of this law have been so often abused that it has become an intolerable Statute. Therefore, Sir, my submission is that this law cannot be allowed to stand any longer on the Statute-book.

Before we truly appreciate the implications and the effect of this law, I think it will not be out of place here to refresh the memory of Honourable Members as to what the provisions of this law are and what is the little history behind it? Originally this law was enacted by the Imperial Legislative Council in 1908. It was divided into two parts,

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Part I and Part II. Part I was later on repealed and Part II was allowed to stand. Originally it was applied to the Provinces of Bengal and Eastern Bengal and Assam. Power was given in the Act itself to the Governor General to extend by notification in the official Gazette the whole or any part of this Act to any Province which the Governor General may be pleased to extend. Later on, under the Devolution Act, the power which was originally given to the Governor General in Council was handed over to the lesser authority, that is to say the Local Governments. Now, Sir, at the time when the Act was passed by the Legislature even that Legislature, which consisted entirely of nominated non-official Members and officials at the time, rightly reserved the power to the highest authority in the land, that is to say the Governor General in Council. Afterwards why did the Governor General in Council deprive himself of this power without the consent of the Legislature and why did this power devolve on the Local Governments, it is not clear. In view of the highly repressive nature of the provisions of the law, it was but right that the power should vest in the highest authority in the land. The very fact that the power has been given to the Local Governments goes to show that the Act itself has become a bit more dangerous than it was originally intended to be. When the Montagu-Chelmsford Reforms came, the new Legislatures were set up and it was proclaimed by beat of the drum that the advent of the new reforms in 1920 was the first instalment towards the progressive development of Dominion Status. The demand of those who were asked to run the constitution at the time was that if a new atmosphere, an atmosphere of peace and good-will was to be created in the country, it was essential that the repressive laws should go. That is why the Government of the time conceded to the first Legislative Assembly the right to look into the repressive laws as a whole. The Repressive Laws Committee was appointed and that Committee went into all the all-India Statutes, and therein they reviewed the whole legal situation. After reviewing the whole legal situation, they retained two enactments, the second part of this Criminal Law Amendment Act, and Regulation III of 1818. I am not concerned at present with the second, namely, Regulation III of 1818. If that was the attitude of the first Legislative Assembly I fail to understand why, if the coming constitution, according to the boast of those who believe in it, is going to confer greater power upon the Indians, it should be necessary to maintain repressive laws in the country. That is a state of affairs which is not clear to the ordinary individual. On the contrary we find that the nearer we approach to the new constitution the more are the gifts of repressive laws that are offered to us. During the last Session of the Assembly and the Session previous to that, in spite of the fact that this House summarily rejected the Criminal Law Amendment Bill, it was certified by the Governor General under the powers reserved to him in the Constitution. The Part II of this Act consists of about 4 sections. Section 15 defines the word "association". It is a very curious definition the like of which is probably not known in other countries. It is defined to mean:

"Any combination or body of persons, whether the same be known by any distinctive name or not."

So that, wherever people assemble, whether they form into an association by giving it a particular name or they do not give it a particular

name, their assemblage will be an "association" within the meaning of this Act. Then comes the definition of "unlawful association". It is defined as an association which:

"Encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts or which have been declared to be unlawful by the Local Government under the powers hereby conferred."

Now, one can understand the meaning of the first clause of the definition of "unlawful association", and one can understand that the executive government wants to discourage the association from acts of violence or intimidation; but one really cannot understand why the power should be given to the Local Government to declare associations to be unlawful. That is a point which is beyond the comprehension of many jurists in this country. Why in the name of law, I ask, should that association be an unlawful association which an executive authority sitting in his office is pleased to declare as unlawful? Why should not the power of scrutiny be given to the ordinary Courts of the land, to go into the question whether a particular association indulges in acts of violence or it does not? Such a power is given under section 16 that:

"If the Local Government is of opinion that any association interferes or has for its object interference with the administration of the law or with the maintenance of law and order or if it constitutes a danger to the public peace, the Local Government may, by notification in the official Gazette, declare such association to be unlawful."

Here no duty has been cast upon the Local Government to give reasons for declaring an association to be unlawful. This is the least that they should have done. The Act should have made it incumbent upon the Local Government to give reasons, the evidence on which their opinion is based that a particular association is indulging in acts of intimidation or violence. But no such obligation has been laid upon the Local Government with the result that we have found,—and instances have not been too few,—that many associations engaged in social welfare work, in educational work and in other works which are for the benefit of the people, have been declared unlawful at the whim of the Local Government, probably based upon the report of an unscrupulous police officer or a C. I. D. officer. This power has been used in a very curious manner by the executive authorities. Under section 17 which prescribes penalties for being a member of such an unlawful association, curious things have happened. It was not unusual to find that a particular association had been declared unlawful and the notification making such declaration was published in the local Gazette which Gazette had not yet been published or released to the public. The public had not read the notification, they had not the occasion to acquaint themselves of the terms of the notification, when at midnight a raid was committed by the police officers arresting those who were members of the unlawful association. None of them knew that the particular association had been declared to be unlawful. What is that jurisprudence, I ask the Honourable the Law Member, and who is that jurist who has sanctioned such principles of criminal jurisprudence in this country? Knowledge and intention were all eliminated from criminology. You may not know a particular association to have been declared unlawful under this power; you may not have heard of this notification; the notification may not have been proclaimed to the public; and yet you go and arrest a person who went to bed an innocent man and rose in the morning a criminal without any act

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of his own. I perfectly remember, Sir, a particular case of my own. After Easter, I think it was about the 22nd of April, 1919, when I got up from my bed, I found the District Magistrate and the Superintendent of Police at my door, and they arrested me. Well, I never knew what offence I had committed; I never knew of what act I was guilty for which this arrest had been ordered. I was taken to the jail in a long procession of machine guns and cavalry. We asked the District Magistrate who had personally escorted us to the jail as to what the offence was for which I was arrested and where the warrant of arrest was. He said "Do not worry, the jailor will tell you". After about half an hour they left, and we went to the jailor and asked him what the offence was for which we had been arrested. He told us that we had been arrested for being members of an unlawful assembly under section 143 of the Indian Penal Code. That was a new experience in which section 143 was applied—that men who were sleeping in their houses and who were awakened by the police were arrested. Where was the assembly and what was its common object?—What was the act which made us unlawful?

We never met together (there were eleven of us who had been arrested) and never had the occasion to act together. Is this the criminal law which the Honourable the Law Member, who has probably been brought up in the traditions and with the knowledge of British jurisprudence, wants to see prevail in India? I shall give you another instance and a later instance.

Mr. M. S. Aney (Berar Representative): And a better one too.

Sardar Sant Singh: The members of the Shiromani Gurdwara Prabandhak Committee, the Committee which publicly confessed to be doing religious work—the management of the Sikh temples,—were one evening declared to be an unlawful association under the Criminal Law Amendment Act.

Maulana Shaukat Ali (Cities of the United Provinces: Muhammadan Urban): Tomorrow it may be declared again. Islam and Sikhism both declared unlawful!

Sardar Sant Singh: It is no wonder; the time may come probably. It has come in the Punjab. In this case, the members were arrested before the notification was published. Under this Act, the notification was published later, the arrests were made earlier. This is the law which the Honourable the Law Member wants to maintain on the Statute-book. At present he is talking to his Whip, but I want to address the Honourable the Law Member on this point. May I request him to kindly listen to what I am saying?

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): Never mind, you address the Chair.

Sardar Sant Singh: Sir, may I draw the attention of the Honourable the Law Member through you that he should listen to the debate before he comes to make any reply? (Laughter.) I will come to my point when he is more attentive. What I submit, Sir, is, that power is given

under section 17 which Mr. B. Das wants to repeal, namely, that a Local Government can declare an association to be unlawful. Then what follows is that as soon as it is so declared, the police goes to the house of the persons and those who were considered to be members and who were on their list or known to be members of that unlawful association are arrested. After this the case is filed before the Court. What possible defence can there be for such a thing? The Courts of law are the defenders of the liberties of the people. If a man feels aggrieved against an act of the executive, the Courts of law are open to him to get his grievance redressed, but under this Act no such Court is allowed to act. The police officer comes to the Court and says, "Sir, I arrested him, he was a member of an unlawful association". But what is the offence? At the same time as he is arrested, a search is made of the books found in the office and his name is found entered in a list. Who entered it? Was any consent obtained of the members of the association? No enquiry is permitted on that count. The magistrate says: "All right, your name is in the list of members of the unlawful association: you must go to prison for a couple of years". That is the law which you want to maintain. As the Honourable the Law Member is attending to my speech now, I will just ask him. He is sitting with the Honourable the Home Member. One represents law, the other represents the executive authority of the country. I do not understand, Sir, why the law should be abdicated in the hands of the executive authority. If law and order are to go together, are to be wedded together, they must be wedded together judiciously. But if order wants everything and the law wants to abdicate its own rightful functions in the hands of the order, certain confusion will follow as it has done in this case.

Mr. M. S. Aney: Judicial separation, a sort of divorce.

Sardar Sant Singh: It is judicial separation. I come next, Sir, to section 18 of this Bill. Section 18 says:

"An association shall not be deemed to have ceased to exist by reason only of any formal act of dissolution or change of title, but shall be deemed to continue so long as any actual combination for the purposes of such association continues between any members thereof."

Now the first power is given under section 17 to declare an association to be unlawful. As soon as the association has been declared to be unlawful, one can understand that the persons who are members of that association should be given an opportunity to resign their membership or to close the unlawful association in deference to the wishes of the executive authority. Give me an opportunity to dissociate myself from that association, but you do not give me any such opportunity. As I said before, the arrest takes place immediately before the declaration is made without giving an opportunity to the member or members to withdraw from the association. If I get a clue in time and I formally withdraw, then section 18 says: "No, your formal act of dissolution would not be permitted; you are still guilty." I do not know what the criminal intention behind it is. I am a member of the association when the association is not unlawful. I continue to be a member when the association is declared to be unlawful. I at once understand that the association has been declared to be unlawful, I go to the members and say "Look here, we formally dissolve, because the association has become unlawful henceforth". This formal act of

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dissolution would not give me the protection or the shelter which I want to have. I want to respect the law, I even want to submit to the arbitrary act of the executive in declaring the association to be unlawful, but you say: "No, you have been a member, therefore, you are guilty." If you force people to be criminals, it is no wonder that we, who occupy this side of the Benches, are bound to be criminals. It is no wonder that if the Ministries in the Provincial Councils are to be formed under the new Constitution, they will be formed of those who were once the criminals and jail birds of your prisons. What is this? Why should you attempt to continue this state of affairs under a law which probably no jurist will claim as his legitimate son? I am just reminded by my Colleague, Sardar Mangal Singh, that at the time when the Shiromani Gurdwara Parbandhak Committee was declared unlawful, Sardar Mangal Singh was undergoing a sentence of imprisonment and as his term of imprisonment came to a close, he was arrested in prison for being a member of that association. (Laughter.) That is the sort of law which this Criminal Law Amendment Act represents. He was in jail. Even jail did not give him that freedom from arrest which ought to have been given because as soon as a man goes to jail, he cuts himself off from society; he ceases to be a member of any society—he cannot be—it is against his will that he is being detained in prison. Under these circumstances, I submit that this particular law should no longer be the law of a country where self-respecting persons mean to live.

But that is not all. This law has not been allowed to stand at that stage. Rather, in 1932, further repressive provisions were added to it by Act 23 of 1932; and the Bill of Mr. B. Das in clause 2 wants those provisions to be repealed as well. Those provisions are more interesting than the provisions of the original Act itself. The first is section 17-A of this Act—contained in section 13 of Act 23 of 1932, which says:

"So long as this Act remains in force, after section 17 of the Indian Criminal Law Amendment Act, 1908, the following sections shall be deemed to be inserted, namely:

17A. A Local Government may by notification in the local official gazette notify any place which in its opinion is used for the purpose of an unlawful association . . ."

This Act originally confined itself to declaring a combination of persons to be an unlawful association. Now, the executive thought that that was not enough and that the Congress was becoming inconvenient to the administration; and they said to themselves: "We may declare particular men to be an unlawful association, but what about the place where they meet? All right, we will bring that into this", and they gave the Local Government authority to declare a particular place to be an unlawful place. Defining the word 'place' they say: "it includes a house or building, or part thereof or a tent or vessel." The words are so wide in their application that if I were to invite a few persons, who happened to be members of an unlawful association, to a tea party in my house and there they happened to discuss, in informal conversation even, some of their activities, then my house can be confiscated under this Act for having been used for the purpose of an unlawful association. Not only this, but further the power is given that when a particular place has been declared to be a notified place under section 17-A, the District Magistrate has the power

to take possession of that notified place and evict therefrom any person found therein and shall forthwith make a report of his taking possession to the Local Government. These are the duties laid upon the District Magistrate. What happens? It happens like this: no opportunity is given to the owner or occupier of the land to meet the accusation that that place has been used for the purpose of an unlawful association, and it is nowhere laid down that the purpose of that unlawful association should be unlawful. What is laid down is for the purposes of an unlawful association. The purpose may be perfectly legal: he may have come in a marriage party to that house; even if the purpose is perfectly legal, that place can be declared notified as a place which can be taken possession of by the local authority. Absolutely no consideration is to be shown to the occupier of the building or to the inconvenience he may feel after eviction. No restriction is laid such as that possession may be taken between sunrise and sunset only as it is in the Civil Procedure Code when attachment is ordered. They may turn you out in the middle of the night, when probably a storm is raging outside and rain is falling; in the middle of a December night—probably snow may be falling somewhere—children, wife, old men and young, everybody turned out bag and baggage. That is the law in the Criminal Law Amendment Act. Does that appeal to the conscience of the Honourable the Law Member? . . .

The Honourable Sir Nripendra Sircar: That is not the law as I understand it.

Sardar Sant Singh: If it is not the law as he understands it, can he kindly enlighten us what the meaning of "for the purposes of an unlawful association" is . . .

An Honourable Member: And how it has been used?

Sardar Sant Singh: . . . and how it has been administered? That is the point. I put the question in the very beginning: has the Government of India taken the trouble of punishing a single executive officer for having misused this law? If the Honourable the Law Member were to get up and say that such and such District Magistrate was punished for having misused this Act, I will certainly say I will be content to live under this Act for some time more till the emergency is over. I was developing the point that even in war when you are dealing with an enemy there are Red Cross Societies whose places are protected: there are provisions in the International Law to defend the honour of women of the enemy; there are provisions in the International Law that civilian population should not be bombed or killed, and that women and children should be protected. But this law does not give that protection to women and children here.

Dr. G. V. Deshmukh: That is war: this is governing!

Sardar Sant Singh: That is a very good distinction, but if I were to place this piece of legislation before an arbitrator, before a man who belongs to a third country,—why third country?—I challenge my friends to bring a jurist from England and discuss this law with him on the point whether he will be willing to call this as a law based on any principle of jurisprudence of any country. The greatest condemnation of this law is that it does not know what it has enacted; the executive authority wants to stand by it and does not seem to realise what it has done in enacting such a law.

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Then, Sir, the executive Government says that this law is necessary. I will deal with that point later on, but I want to submit for your consideration that the provisions of this law are so arbitrary, inhuman and brutal that no decent country ought to have them.

Further on, I say that after having ejected everybody, what do the executive authorities do? In section 18 they are empowered to take possession of all moveable property. This is really a very curious state of affairs. The executive authority can take away all moveable property, — clothes, utensils, shoes, caps and turbans and everything. I believe we can protect our wearing apparel, otherwise they can take away the wearing apparel also and send away the inmates of the house quite naked in their blessed childhood into the world. . . .

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): You have got your beard all right; that cannot be taken away. (Laughter.)

Sardar Sant Singh: I have got that advantage over my friend, the illustrious Knight from Moradabad. I gladly invite him to embrace Sikhism and protect himself against such atrocities when such occasions arise. (Laughter.)

Now, Sir, as I was saying, this law empowers the District Magistrate to take possession of your moveables. It may be urged that provision is also made to see that the District Magistrate shall seize only such of the moveables which, in his opinion, go to form part of the unlawful association. That is certainly so, but when is that decision to be applied? Certainly, not at the time when the occupier is ejected, but it will be applied later on when the inmates of the house who have been ejected have starved themselves, if not for a longer period, at least for one or two days. Is that a form of humanity of which the Government of India wants to feel proud and maintain that such a provision ought to be retained in the Statute-book?

Further on, it is stated that provision is made in section 18 that if any moveable property of a third party is found in the premises which is declared unlawful, and if it is also attached or taken away, then that individual can come and raise an objection; and it is further stated that the objection will be referred to a Civil Court for final decision. That is very good, but the framers of this law forgot the fact that if a person comes forward and decides to put in objection claiming the moveable property he will stand a jolly good chance of being run in as a member of the unlawful association. If my statement is wrong, then I challenge my Honourable friend, the Law Member, to tell me, during the four years that this law has been in active operation, even a single instance in which objection was sent to the Civil Court and an objector appeared before the Court making a claim for the recovery of his moveables. Sir, nobody would risk to come forward and claim any of his moveables, because the whole atmosphere created by the declaration of an unlawful association, by the seizure of moveable property, by the turning out of men, women and children, aged and the sick, into the streets will be such that it would prevent any decent man to come forward and claim his property. I submit, Sir, that the powers which are embodied in section 18 are such that nobody on earth with his head on his shoulders would care to see them retained on the Statute-book.

Further on, another section has been added, section 17-C which says:

"Any person who enters or remains upon a notified place without the permission of the District Magistrate, or of an officer authorised by him in this behalf, shall be deemed to commit criminal trespass".

This means that to enter one's own house is criminal trespass. That does not need any comment.

Then comes section 17-E, which gives such wide powers that it will be impossible for any commercial concern to run its business. Power is given under this section to the executive to look into the account books and dealings of a commercial concern or a banking concern, to discover if there are any funds of an unlawful association left with it. I can understand how my Honourable friend, Mr. James, will feel if his commercial concern were subjected to such treatment, because then all the secrets of his concern will go away.

An Honourable Member: There are no secrets.

Sardar Sant Singh: I am glad to hear there are no secrets, but so far as I know the position, every commercial concern has got some secret of its own.

Mr. M. S. Aney: And all of them say no.

Sardar Sant Singh: Yes, and all of them say they have no secrets. But if we read through the records of the Income-tax Department, we find that their main grievance is that people keep a double set of accounts and they do not show proper accounts. At any rate, Sir, there are secrets maintained by every concern, and if those secrets go out, such revelations may bring about the ruin of the concern—will any commercial gentleman agree to be a party to such legislation which will give a free hand to a third party to pry into the secrets of his concern?

Further on, Sir, the most curious power that has been retained by the executive in this connection is that they have made themselves perfectly safe for whatever actions they take, provided there should be no *mala fides*: Now, the *mala fides* in the criminal law has been restricted in India to mean only malice. Malice means some enmity, some grudge, or some bad motive of that sort, though in other countries malice has got a wider meaning. Under this section they can even break the provisions of this very law itself, they can go against the express wishes of the Legislature, and yet they say that they did not intend to act *mala fide*, they intended to act *bona fide* and, therefore, they are not to blame.

Then, Sir, further on, section 17-F says this:

"Every report of the taking possession of property and every declaration of forfeiture made, or purporting to be made under this Act, shall, as against all persons, be conclusive proof that the property specified therein has been taken possession of by Government or has been forfeited, as the case may be, and save as provided in sections 17B and 17E, no proceeding purporting to be taken under sections 17A, 17B, 17C, 17D or 17E shall be called in question by any Court, and no civil or criminal proceeding shall be instituted against any person for anything in good faith done or intended to be done under the said sections or against Government or any person acting on behalf of or by authority of Government for any loss or damage caused to or in respect of any property whereof possession has been taken by Government under this Act."

[Sardar Sant Singh.]

What does it come to? I think the Honourable the Law Member will disagree with this interpretation of mine of this section as well. A police party goes to take possession of a place, breaks all the china vessels there, breaks all the good furniture that may have cost thousands of rupees to the owners, may burn some of the property, but, so long as the act was intended to be done in good faith, he is not liable, no Civil Court, no Criminal Court can take notice of it. Why this fear of Civil Courts? Is this thing justified by the conditions in the country? But why should I not get the right—after doing all, you are not willing to face an open enquiry into your conduct, whether you have really carried out the provisions of the Act which has given you power to act. These are the provisions of the Criminal Law Amendment Act which my Honourable friend, Mr. B. Das's Bill wants to repeal.

After refreshing the memory of Honourable Members on the provisions of this Bill I am going to ask a few questions. The first question is, if you really intend that the coming Constitution should be worked by the self-respecting men of the country, is it consistent that such provisions should be allowed to stand on the Statute-book? If you want that the Constitution should fail, you are welcome to take all these powers because they are a sure sign of the failure of the Constitution. The second point is, let us judge this Act from the utilitarian point of view. Let us be realists and find out whether this Act has succeeded in killing the evil for which it was intended? The history has been given by the Honourable the Law Member from the year 1905 to the year 1935 in his speech where he quoted instances after instances of what the terrorists have done, what the Congress has done, what the communists have done and what other law-breakers have done. I accept that statement of fact as true. Am I not entitled to ask the Honourable the Law Member whether the conditions in the country have not gone from bad to worse from year to year? Does he say that this Act has killed the evil for which it was intended? If it has aggravated the disease, what justification is there to continue this remedy for that evil? Is it not high time that we should sit together and find out the real cause to uproot that evil? Is it not statesmanship to review the whole situation and say, this remedy having failed, let us go to another doctor, to another physician and ask him to give us another remedy? This remedy would not work. What we want is the rule of law in the country. We do not want the rule of order in this country, but the rule of law, the rule of justice, the rule of equity, the rule of equal treatment. Today the world is full of rumours of a pending war. It is said that the coming war will be more disastrous in its results than the last War. The European statesmen are after finding out remedies to prevent that war. Well, I suggest to them a remedy, a most humanitarian remedy, and that remedy is, let every nation live peacefully according to its own wishes. Let there be no exploitation by the industrial countries of the other countries which are fields for producing raw materials. And this raw materialism, this industrialism should cease. So long as you think that eastern countries are the fields for exploitation by industrial countries, there can be no peace in the world.

Mr. President (The Honourable Sir Abdur Rahim): What has that got to do with this Bill?

Sardar Sant Singh: That is the real remedy for removing this discontent. This Act would not remove the discontent. On the other hand, this Act will aggravate the disease; the longer it lasts the more irritation will it cause. It will give rise to more provocation with the result that lawlessness will not be curbed. What is happening in the Punjab today? My Honourable friend, the Home Member, will get up and say, well, conditions in the Punjab prove the justification for the continuation of this Act. I say it is just the reverse of it. They have applied the provisions of this measure in the Punjab and they have signally failed. Why? Because, unfortunately, those who are in possession of executive authority in India have lost the imagination necessary for good statesmanship. They have lost their long vision which made the Empire. They have lost that human sympathy, that sense of justice that maintained them here in India for such a long time. (Interruption.) I do concede that, otherwise they would not have been here for such a long time. The very fact that they have been here for a century or so shows that they had the imagination, but they are losing that imagination bit by bit. Look at the way in which these provisions were applied. I do not tell you the incidents because it may create communal bickering in this House. I want to avoid it, but what I want to say is that this Act has entirely failed. It is high time that we should sit together and find out the real cause and remedy the evil and enact only such laws as will bring peace and happiness to this country.

Sir Muhammad Yakub: No one can congratulate a country where engineers pose the role of lawyer and legislator in preference to the distinguished jurists of the country. However, my Honourable friend, Mr. B. Das, deserves to be congratulated for rushing into a realm where distinguished lawyers like our revered Leader of the Opposition, Mr. Bhulabhai Desai, Mr. Jinnah, and Mr. Aney fear to tread. Sir, I do not for a minute challenge the *bona fides* of my Honourable friend, Mr. B. Das, in moving this Bill. But I think that, in doing so, he is following the example of a monkey who crushed the head of his master with a big stone in order to kill a fly which was sitting on the head of the master.

An Honourable Member: Which is the fly?

Sir Muhammad Yakub: This Act is the fly, and the master is Provincial

5 P.M.

Autonomy, which we are soon going to get, and my friend, Mr. B. Das, by moving his Bill, wants to crush the very head of the Constitution which we are soon going to have in our own country. It is well-known that a country with a democratic constitution stands much more in need of stringent measures, in order to keep peace in the country, than the countries which are ruled either by autocrats or dictators. In a country where the word of the dictator or monarch is law, you do not require any stringent measures to keep down anarchy or the elements of lawlessness. The revered Ata Turk of Turkey, the dictator of Italy and Hitler can, by their own word, destroy any association or do whatever they like. They possess the powers which my friend, Mr. Sri Prakasa, who spoke this morning, attributed to certain kings. If India were ruled by rulers who could do or undo anything without law, then probably the country would not stand in need of any stringent measures. What are the conditions in India? In India, we are on the threshold of new reforms, when the people of this country will soon have the power of maintaining

[Sir Muhammad Yakub.]

law and order and for the first time democratic institutions would be given a trial. Is it right and just that we should deprive our own Ministers of the power which they would require in order to maintain law in the country?

An Honourable Member: Have they asked for it?

Sir Muhammad Yakub: When they are in office, they will probably be as vociferous in making a request for a measure like this as my friends are today in seeking its repeal. We know very well that many of these gentlemen, when they are put in office, for which they are hankering, will prove more autocratic than the white autocrats in this country.

Now, Sir, one cannot shut one's eyes to the realities of the situation. We know that forces of communism, terrorism and Bolshevism are taking root in India. It is a matter of history that Russia has for a long time been a dead enemy of India. It was the enemy of India under the reign of the Czars, and it is an enemy of India under the reign of the Bolsheviks. We know as a matter of fact that Bolshevik money is creeping into India in order to help and support Bolshevism in this country. And here I would ask a simple question of the Honourable the Home Member. I would ask him to tell me, if this small Act is repealed, what is the weapon in the armoury of Government with which they would meet the forces of terrorism and Bolshevism in this country?

The Honourable Sir Henry Craik: Against communism this Act is our only effective weapon. There are other Acts directed against terrorism.

Sir Muhammad Yakub: The answer is quite clear. This is the only Act on the Statute-book by which you can meet Bolshevism in India.

(Interruption by Members on the Congress Benches.)

Sir Cowasji Jehangir: We have heard an Honourable Member in those Benches in absolute silence for two hours.

Mr. President (The Honourable Sir Abdur Rahim): The Chair would ask Honourable Members to let Sir Muhammad Yakub go on with his speech without interruption.

Sir Muhammad Yakub: My friends may ridicule the facts if they like. They may use sarcastic language, as was used this morning by an Honourable friend on my right, but the fact is that only this morning we have read in the papers that raids were made in four or five cities in my own province and Bolshevik literature was found and seized. This clearly shows that Bolshevism is taking root in this country and it must be the duty of every patriotic citizen in India to do his best to remove and to eradicate the evil as soon as possible.

Some of my friends have given instances of the abuse of power by Government officials in administering this small Act. I do not deny the charge. It may be so. To err is human, and Government officers are after all men. They are not angels. It may be that under some provocation they may have abused this law, as the peaceful Congress volunteers

have, more than once, been guilty of the worst form of maltreatment when they were making the so-called peaceful demonstration of their processions and non-violent picketing on shops. I know that people were not allowed to take water, I know that the bodies of certain dead persons could not be buried because cloth for wrapping the dead body could not be bought, since there was a forced *hartal* in the town. I know how a serious riot took place in Cawnpore when hundreds of my co-religionists men, women, and children lost their life, because the Mussalmans were asked to close their shops in order to observe Bhagat Singh Day, which they did not want to do. It is no use giving instances of abuse. If certain officers are provoked to abuse a very good enactment this can be no justification for saying that the Act must be repealed.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member very much more to say?

Sir Muhammad Yakub: I have something more to say.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech on a later day.

The Assembly then adjourned till Eleven of the Clock on Friday, the 7th February, 1936.

LEGISLATIVE ASSEMBLY.

Friday, 7th February 1936.

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

QUESTIONS AND ANSWERS.

REPORT OF THE DRUGS INQUIRY COMMITTEE.

135. *Seth Govind Das: Will Government be pleased to state:

- (a) whether the Drugs Inquiry Committee submitted their report;
- (b) when that Committee submitted its report;
- (c) the chief points of its recommendation;
- (d) whether Government have considered the question of giving effect to the recommendations so made by the Committee, and if so, to what extent and to which of the points of recommendation; and
- (e) if not, the reasons therefor?

Sir Girja Shankar Bajpai: (a) Yes.

(b) In November, 1931.

(c)—(e). I would refer the Honourable Member to the answer given by me to Mr. Satyamurti's question No. 34 on the 4th February.

Seth Govind Das: Since the 4th February, has there been any change?

Sir Girja Shankar Bajpai: Since the 4th of February? Since then, there has been no change.

Mr. S. Satyamurti: Are Government satisfied that there is no need for any legislation or any further legislation in the matter?

Sir Girja Shankar Bajpai: Sir, I think, in answer to a question of my Honourable friend, the other day, I said that Government were not contemplating legislation. Speaking from memory, the legislation recommended by the Committee was with regard to the education of apothecaries; that is a provincial subject which is left to the provinces, and not to the Government of India.

TRAINING OF INDIANS IN THE MANUFACTURING FIRMS IN GREAT BRITAIN AND OTHER COUNTRIES.

136. *Seth Govind Das: Will Government be pleased to state:

- (a) whether it forms part of the duties of the Trade Commissioners, in the various foreign countries, representing India, to negotiate with the manufacturing firms of those countries, and specially in Great Britain, for giving practical training to qualified Indians in those firms;

- (b) whether the Trade Commissioners fulfilled their duties in this respect, and, if so, to what extent;
- (c) how many Indians are now receiving such training;
- (d) how many Indians have been trained out of those firms until now;
- (e) whether there are any specified rules and terms for the admission of such candidates for training; and
- (f) if so, what they are?

The Honourable Sir Muhammad Zafrullah Khan: (a) No.

(b) to (f). Do not arise. I may, however, mention that through the efforts of the High Commissioner for India a number of firms have offered facilities for practical training to Indian students in Great Britain and other foreign countries. In this connection the attention of the Honourable Member is invited to pages 25 and 26 of the Report on the work of the Education Department of the High Commissioner's office for the year 1933-34, a copy of which is in the Library of the Legislature.

Mr. T. S. Avinashilingam Chettiar: May I ask how many Indians are undergoing such training?

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

Mr. S. Satyamurti: Will Government consider the desirability of making it a part of the duties of these Trade Commissioners to negotiate with manufacturing firms of these countries, especially in Great Britain, for their giving practical training to qualified Indians?

The Honourable Sir Muhammad Zafrullah Khan: Even if that were desirable, would my Honourable friend suggest a *quid pro quo* to be offered to these manufacturing firms?

Mr. S. Satyamurti: Sir, it is suggested in clause (b) of the question, that whenever orders are placed with manufacturing firms for the requirements of India, these Trade Commissioners might negotiate with them that as a *quid pro quo* for those orders, they should give facilities for practical training to qualified Indians.

The Honourable Sir Muhammad Zafrullah Khan: That is to say, a system of preferences for these firms, in placing our contracts with them?

Mr. S. Satyamurti: A system of preference for our boys to get training in return for those orders, on the merits of those orders.

The Honourable Sir Muhammad Zafrullah Khan: Surely, it would strike the Honourable Member that if that were part of the bargain, the consideration on our side would have to be higher in price than it would otherwise be?

Mr. S. Satyamurti: Would it not be worth while paying that price, in return for the training of our boys, so that these boys might help to start industries in our country, by and by?

The Honourable Sir Muhammad Zafrullah Khan: My immediate reaction to that is that it would be rather embarrassing.

Mr. T. S. Avinashilingam Chettiar: Which are the countries that have promised to train Indians besides Great Britain?

The Honourable Sir Muhammad Zafrullah Khan: I will collect the information for the benefit of my Honourable friend, if he so desires.

TRADE AGREEMENT WITH COUNTRIES HAVING INDIAN TRADE COMMISSIONERS.

137. ***Seth Govind Das:** Will Government be pleased to state:

- (a) the countries where Trade Commissioners on behalf of India are stationed;
- (b) what kind of agreement exists between those countries and India with regard to trade; and
- (c) whether they will lay on the table a copy of such of the existing agreements?

The Honourable Sir Muhammad Zafrullah Khan: (a) The United Kingdom, Germany and Italy.

(b) and (c). The Ottawa Trade Agreement and the Supplementary Trade Agreement govern our commercial relations with the United Kingdom. Copies of these Agreements are in the Library of the Legislature, the former is printed as Appendix E to the Report of the Indian Delegation to Imperial Economic Conference, Ottawa, 1932. Our commercial relations with Germany are governed by the provisions of Article 31 of the Anglo-German Commercial Treaty of 1924, while those with Italy are regulated by the Anglo-Italian Commercial Treaty of 1883 which has been extended to India by a Convention of 1914. These treaties are contained in the Handbook of Commercial Treaties, 1931, a copy of which is also in the Library.

Mr. T. S. Avinashilingam Chettiar: Have any fresh agreements been made with any other countries after the Ottawa Pact with England?

The Honourable Sir Muhammad Zafrullah Khan: No.

Mr. S. Satyamurti: Was not India directly a party to these treaties to which my Honourable friend refers?

The Honourable Sir Muhammad Zafrullah Khan: I have already explained that the Anglo-Italian Commercial Treaty of 1883 was extended to India by a Convention of 1914. In 1924, India became a party to the Treaty with Germany under the provisions of Article 31 of the Anglo-German Commercial Treaty of 1924.

Mr. S. Satyamurti: Since the answer to the question given last year, have Government advanced any further in the consideration of the question of appointing Trade Commissioners in other countries?

The Honourable Sir Muhammad Zafrullah Khan: I believe I have already given the answer to that question earlier in the Session, *viz.*, that Government are considering the appointment of a Trade Commissioner in East Africa.

Sir H. P. Mody: What is the latest position with regard to the alleged breaches on the part of countries like Germany of the Trade Agreements to which my Honourable friend has just referred? The Government of India have been, it is well-known, carrying on negotiations for more than a year. What is the latest position?

The Honourable Sir Muhammad Zafrullah Khan: With regard to Italy, surely the Honourable Member realises that all those questions are now suspended. With regard to Germany, I am not aware of the breaches that the Honourable Member has in mind.

Sir H. P. Mody: Surely the Government of India do not suggest that there has been no discussion with the German Government with regard to the interpretation of the treaty and the way in which it has been given effect to in recent months?

The Honourable Sir Muhammad Zafrullah Khan: What discussion is the Honourable Member referring to?

Sir H. P. Mody: Do I understand that there has been no dispute between the Government and any of these countries with which India has agreements, such as Germany, Italy, Persia and Turkey, with regard to the way in which they have interpreted the treaties?

The Honourable Sir Muhammad Zafrullah Khan: Correspondence sometimes does take place with regard to the interpretation of any particular clause when the occasion arises.

Sir H. P. Mody: Have not the Government of India taken up the matter seriously with the Governments of Turkey, Persia and Germany?

The Honourable Sir Muhammad Zafrullah Khan: There has been correspondence with Persia and Turkey; I am not quite sure whether there has been correspondence with Germany also.

Mr. S. Satyamurti: Are Government aware that various restrictive measures have been adopted by Germany to prevent the import of Indian goods into Germany after the agreement of 1924?

The Honourable Sir Muhammad Zafrullah Khan: If the implication sought to be conveyed is that those restrictions were imposed with the particular object of preventing the entry of Indian goods into Germany, the answer is no; otherwise, generally, yes.

Mr. M. Ananthasayanam Ayyangar: Have not Germany and Italy been discriminating against the entry of foreign goods including those of India? If so, what steps do the Government of India propose to take in order to get better terms for Indian goods?

The Honourable Sir Muhammad Zafrullah Khan: There is a system of restrictions imposed in both countries, as I have already explained.

Mr. S. Satyamurti: Have Government considered the effect of those restrictions on Indian exports to those countries, and what action do the Government propose to take, in order to see a fair treatment is afforded to our goods?

The Honourable Sir Muhammad Zafrullah Khan: That question was also answered during the last Session.

Mr. S. Satyamurti: Has any effective action been taken?

The Honourable Sir Muhammad Zafrullah Khan: So far as the negotiations that were being carried on with Italy are concerned, the matter has been put an end to by the "sanctions". As regards Germany, the matter is still under consideration.

Seth Govind Das: And as regards Turkey and Persia?

The Honourable Sir Muhammad Zafrullah Khan: There are no negotiations taking place for the moment; there has been some correspondence.

INDUSTRIES GRANTED SUBSIDIES OR BOUNTIES.

138. ***Seth Govind Das:** Will Government be pleased to state:

- the number of industries that are granted subsidies or bounties by the Government in India;
- the names of those concerns;
- the amounts they receive annually; and
- the reasons that led Government to grant the subsidies?

The Honourable Sir Frank Noyce: (a) No industry is receiving any direct subsidies or bounties from the Government of India. Some, such as handloom weaving and sericulture, are being fostered by special grants and others receive fiscal protection involving the payments of higher sums by Government as well as private purchasers. Extra sums are also paid in certain cases in the form of price references in pursuance of the stores purchase policy.

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

RAILWAYS UNDER THE MANAGEMENT OF COMPANIES AND RENEWAL OF CONTRACT WITH THE BENGAL NAGPUR RAILWAY.

139. ***Seth Govind Das:** Will Government be pleased to state:

- the names of Railways that are under the management of companies;
- when they are likely to expire;
- when the contract with the Bengal Nagpur Railway was renewed by the State;

- (d) what the special circumstances were that made Government to renew their contract;
- (e) whether the Government of India on their own initiative favoured the Bengal Nagpur Railway with the facility of renewal or they had to approach the Home Government for their consent;
- (f) whether they will lay a copy of the correspondence with the Railway company in question with the Government and their consultations with the Home Government, if any; and
- (g) whether they will lay on the table a copy of the contract executed by the Bengal Nagpur Railway with the State?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). The Honourable Member is referred to the answer given to question No. 788 asked by Mr. Muthuranga Mudaliar on the 9th March, 1935.

(c) In 1912.

(d) It was apparently considered at the time that it was desirable in the interests of the State to continue the existing system of management on terms less favourable to the Company.

(e) The Secretary of State for India, in consultation with the Government of India, agreed to the renewal.

(f) Governments are not prepared to lay the correspondence on the table.

(g) A copy of the contract with the Bengal Nagpur Railway is in the Library of the House.

Seth Govind Das: What are the reasons on account of which Government are not prepared to lay this correspondence on the table?

The Honourable Sir Muhammad Zafrullah Khan: The Government are not prepared to lay on the table such correspondence in any case owing to reasons of public policy.

Seth Govind Das: Are Government aware that the freights of the Bengal Nagpur Railway are much higher than those charged by the State Railways?

The Honourable Sir Muhammad Zafrullah Khan: Not in all cases.

Mr. Lalchand Navalrai: For how long has this contract with the Bengal Nagpur Railway been renewed?

The Honourable Sir Muhammad Zafrullah Khan: The contract would terminate on the 31st December, 1950, as was explained in answer to the question I have just referred to.

Seth Govind Das: Are Government prepared to say that the freights which are charged by the Bengal Nagpur Railway are in every case the same which are charged by other railways in India?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already answered that question, that it is not higher in all cases.

Mr. M. Ananthasayanam Ayyangar: Did not this Railway work at a loss during 1934-35?

The Honourable Sir Muhammad Zafrullah Khan: Yes, Sir.

Mr. M. Ananthasayanam Ayyangar: Is not this Railway one of the guaranteed Railways of the Government of India? If so, how much did Government contribute towards guaranteed interest?

The Honourable Sir Muhammad Zafrullah Khan: Surely the Honourable Member will recognise that that question cannot be answered without due notice.

REFUSAL OF THE BOMBAY POST OFFICE TO DELIVER PARCELS CONTAINING SOVEREIGNS.

140. ***Seth Govind Das:** Will Government be pleased to state:

- (a) whether they are aware that some parcels containing sovereigns were received by the Bombay post office addressed to a certain bank in Bombay, in the month of August last;
- (b) whether it is a fact that the foreign branch of the Bombay Post Office at first refused to deliver the parcels to the Bank;
- (c) the reasons for and authority under which the Post Office refused delivery of the parcels;
- (d) whether the contents of the parcels were sovereigns;
- (e) the value of each of the parcels and how many such parcels were there in all;
- (f) by whom the parcels were consigned and to whom;
- (g) whether anybody approached Government to intervene over the non-delivery of these parcels to the Bank;
- (h) who approached the Government and through what channel;
- (i) whether Government intervened in the matter;
- (j) if so, what were the results of their intervention in the matter;
- (k) whether Government had to consult the Secretary of State or any other authorities of His Majesty's Government in the matter to reach the decision they have;
- (l) whether they will lay on the table a copy of the entire correspondence over the matter; and
- (m) if not, the reasons of the Government therefor?

The Honourable Sir Frank Moseley: With your permission, Sir, I will reply to questions Nos. 140 and 141 together.

I place on the table a statement containing the information required by the Honourable Member.

Statement.

Twenty insured parcels, each containing 1,000 sovereigns of the approximate value of Rs. 22,000 according to the market rate current at the time, were sent by Messrs. Gondrand Freres, Paris, to the Comptoir National d'Escompte de Paris, Bombay, and were received at Bombay on 8th August, 1935. The Bombay General Post Office at first refused to deliver the parcels to the addressee, as under clause 233(3) of the Post and Telegraph Guide, the importation into British India, by means of a single foreign parcel, of coins exceeding £5 in value, except coin clearly intended for purposes of ornament, is prohibited. According to the Parcel Post Agreement of the Universal Postal Union to which both India and France are parties, there is, however, no prohibition against the transmission of coin in insured parcels, nor is the importation into British India of gold coin prohibited under the Sea Customs Act. The restriction specified in clause 233(3) of the Post and Telegraph Guide was imposed by the regulations of the Indian Post Office on purely postal grounds. When a parcel is found, in course of transmission by the Foreign Parcel Post, to contain coin exceeding £5 in value, except coin clearly intended for purposes of ornament, it is generally returned to the sender. In the case in question no one approached the Government to intervene. As the parcels were posted by the senders in good faith and were erroneously accepted and forwarded by the French Postal Administration, they were ordered to be delivered to the addressee at the special request of the French Postal Administration made by cable. Such action is not unusual in cases of *bona fide* mistakes of the service. I regret I am unable to lay the correspondence on the table; it is further unnecessary to do so as all the facts are given above.

Seth Govind Das: There are certain sub-sections in this question which have not been replied. If replies had been given to those sub-sections, it would enable me to put supplementary questions?

The Honourable Sir Frank Noyce: If the Honourable Member wishes, I can read out the statement that I have laid on the table. It is rather a long statement full of technical details, and I thought it would be convenient if I placed it on the table.

Mr. President (The Honourable Sir Abdur Rahim): If it is a lengthy statement, the Honourable Member need not read it.

Seth Govind Das: Then, how can I put supplementary questions?

The Honourable Sir Frank Noyce: I think my Honourable friend might study the statement that I am placing on the table and then put any further questions he likes. I shall be very willing to discuss them personally with him if he cares to do so.

Seth Govind Das: That is all right. I shall do so.

Mr. President (The Honourable Sir Abdur Rahim): That would be a better course.

RULES FOR PREVENTION OF GOLD COINS BEING IMPORTED INTO INDIA THROUGH POST OFFICES.

†141. ***Seth Govind Das:** Will Government be pleased to state:

- (a) whether it is permissible to send gold coins from foreign countries to Banks, commercial concerns or private individuals in India;

†For answer to this question, see answer to question No. 140.

- (b) what the rules governing the prevention of such gold coins being imported through post offices are;
- (c) what are the penalties for the breach of such rules;
- (d) whether any special consideration has been shown in this case for the breach of law of the land, as has been committed in the case aforesaid in the preceding question;
- (e) if so, what were the special grounds which merited such consideration;
- (f) whether they had to consult the French Consulate or the Government of France pointing the breach of law of this land;
- (g) whether they will lay on the table a copy of all the correspondence that transpired; and
- (h) if not, reasons therefor?

EXAMINATION FOR RECRUITMENT OF ROUTINE DIVISION CLERKS IN THE GOVERNMENT OF INDIA OFFICES.

142. ***Seth Govind Das:** (a) Will Government please state when the last examination for recruitment to the routine grade of clerks was held by the Public Service Commission in 1934 and when was its result published?

(b) Is it a fact that the Commission took about a year to publish the result of the examination of a few hundred candidates, and are Government aware that universities take only a few weeks or at the most a few months to publish the results of the examinations in which there are much larger number of papers and thousands of candidates?

(c) What steps do Government propose to take to avoid delay in the publication of the result of the next examination to be held by the Commission in December 1935?

The Honourable Sir Henry Craik: (a) The examination was held on the 3rd December, 1934. The result was not published, but it was communicated to the Government of India on the 21st March, 1935.

(b) and (c). As no undue delay occurred, Government do not consider that any action is necessary. The tabulation of the results of a competitive examination requires far more care than that of the results of an examination the intention of which is merely to declare candidates 'failed' or 'passed'.

EXAMINATION FOR RECRUITMENT OF ROUTINE DIVISION CLERKS IN THE GOVERNMENT OF INDIA OFFICES.

143. ***Seth Govind Das:** (a) Will Government be pleased to state whether it is a fact that in the last examination of the Public Service Commission for recruitment to the routine grade clerks, four papers were rushed through in one day with an interval of few minutes between them?

(b) Will Government please state if there is any other examination besides the Ministerial Branch examinations, in which the candidates are examined in four papers in one day?

(c) Do Government propose to consider the advisability of spreading the examination over two days in future?

(d) If not, will Government state reasons therefor?

The Honourable Sir Henry Craik: (a) to (d). The four papers in the Ministerial Service Examination occupy, all told, only four hours and twenty minutes, whereas in other examinations candidates have to sit for six hours daily. Adequate intervals are allowed between each paper and there is no necessity to give two days to a short examination of such an elementary character.

Mr. Lalchand Navalrai: What is the interval allowed between one paper and another? Is it not a few minutes?

The Honourable Sir Henry Craik: I cannot say that without looking up the time table. The papers only take four hours and twenty minutes in all, and so there is plenty of time to give a reasonable interval between each paper.

Mr. M. Ananthasayanam Ayyangar: How many candidates appeared at that examination?

The Honourable Sir Henry Craik: I want notice.

EXAMINATION FOR RECRUITMENT OF ROUTINE DIVISION CLERKS IN THE GOVERNMENT OF INDIA OFFICES.

144. ***Seth Govind Das:** (a) Will Government be pleased to state whether it is a fact that for the next examination for recruitment to the routine grade clerks, the Public Service Commission have laid down the names of certain institutions whose certificates of proficiency in typewriting will be recognised by them?

(b) Are Government aware that the two institutions of Lahore and Meerut have examined non-students for the issue of certificates and have charged them three and six months' tuition fees, respectively, in addition to admission and many other fees, under the excuse of making them their *bona fide* students?

(c) Did the Commission fix any limit to the fees which would be charged by the institutions?

(d) Do Government propose to consider the desirability of making enquiries, necessary in the matter, and see that the exorbitant fees so charged by the institutions are being refunded to the candidates?

(e) Are Government aware that a private institution of Delhi City has charged Rs. 54 from each candidate for the Pitman's College, London, certificate which is one of those recognised by the Commission, while an institution of Simla and New Delhi has charged only Rs. 7 for the very examination?

(f) What steps do Government propose to take in order to save the candidates from the loss incurred by them in meeting the exorbitant demands of those institutions (or their representatives) whose certificates were recognised by the Commission?

(g) Do Government consider the desirability of providing more facilities and according recognition, for future, to the certificates of only those institutions that have not misused their recognition in the past?

The Honourable Sir Henry Craik: (a) If the Honourable Member is referring to the examination of December, 1935, the reply is in the affirmative.

(b) and (e). Government have no information.

(c) No.

(d), (f) and (g). The list of recognised institutions was drawn up after consultation with Local Governments. The Public Service Commission will again consult Local Governments whether there are any reliable institutions which can be added to the recognised list. If the Commission receive evidence that any institution has been profiteering, they will be prepared to take up the question of removing its name from the approved list.

Mr. Lalchand Navalrai: Is a list of these institutions published?

The Honourable Sir Henry Craik: It must be published for the information of the candidates.

Mr. Lalchand Navalrai: Is there a copy available in the Library of the House?

The Honourable Sir Henry Craik: I do not know, but I will get a copy if the Honourable Member so desires.

Mr. S. Satyamurti: Will Government consider the advisability of having these institutions, provided they satisfy the required standards, spread over all the Provinces, in order to give facilities to candidates from all the Provinces?

The Honourable Sir Henry Craik: That is a matter for the Public Services Commission to decide. I will however pass on that suggestion to the Public Service Commission.

Mr. M. Ananthasayanam Ayyangar: Does not a test in typewriting also form part of the curriculum of the Public Service Commission examination? Are the candidates who obtain a certificate from these institutions once again examined in typewriting by the Public Service Commission?

The Honourable Sir Henry Craik: They are examined in typewriting.

Mr. M. Ananthasayanam Ayyangar: What is the necessity then for insisting on certificates from these institutions?

The Honourable Sir Henry Craik: In order to keep the number of candidates within reasonable limits.

VACANCIES IN THE OFFICES OF THE RAILWAY BOARD, CENTRAL STANDARDS AND SUPERVISORS OF RAILWAY LABOUR.

145. ***Seth Govind Das:** Will Government be pleased to state:

(a) the number of vacancies, temporary and permanent, that have been filled in the offices of the Railway Board, Central Standards and Supervisors of Railway Labour from the beginning of the official year 1934, to date;

- (b) the number of vacancies that have been allotted to the different communities;
- (c) whether the equal distribution of the vacancies has been strictly observed;
- (d) number of the different communities; separately, of candidates who were provided on the Public Service Commission qualification; and
- (e) separately the number of those otherwise qualified?

The Honourable Sir Muhammad Zafrullah Khan: I am placing three statements on the table of the House giving the required information.

(i) *Railway Board's Office.*

(a) The number of vacancies filled in the Railway Board's office from 1st April 1934 to 30th November 1935.

		Permanent.			Temporary.
(b)		7	(b)		51†
Hindus	.	4	Hindus	.	35
Muslim	.	1	Muslims	.	11
Anglo-Indians	.	2	Anglo-Indians	.	7
Total	.	7	Sikh	.	1
(c)			(c)	Total	54‡
Yes as far as possible.			(d)		
(d)			Hindus	.	13
Anglo-Indian	.	1*	Muslims	.	2
(e)			Anglo-Indians	.	4
† Hindus	.	4	Sikh	.	1
Muslim	.	1	Total		20
Anglo-Indian	.	1	(e)		
Total	.	6	Hindus	.	22
			Muslims	.	9
			Anglo-Indians	.	3
			Sikh	.	..
			Total		34

*Exempted by the Home Department from passing the Public Service Commission Test.

†5 retrenched hands and one recruited from Indian Railway Conference Association.

‡The total number of 51 is made up as under:

By direct recruitment	49
By promotion from other office	2
Total	51

§Against 51 temporary vacancies, 54 men were appointed on account of changes.

(ii) *Central Standards Office for Railways.*

(a) The number of vacancies filled in C. S. O. from 1st April 1934 to 30th November 1935.

		Permanent.			Temporary.
(b)		22	(c)		4
Hindus	.	16	As far as possible.		
Muslims	.	7	(d)		
Sikhs	.	2	Hindu	.	1
Indian Christian	.	1	Indian Christian	.	1
Total	.	26	(e)		
			Hindus	.	15
			Muslims	.	7
			Sikhs	.	2

(iii) *Supervisor of Railway Labour's Office.*

(a) The number of vacancies filled in from 1st April 1934 to 30th November 1935.

		Permanent.			Temporary.
(b)		4			2
Hindus	.	2*	Muslims	.	2
Muslims	.	2			

(c) Yes.

(d) and (e). No one was recruited through the P. S. C.

*1 out of 2 was given by promotion.

CULTIVATION OF CINCHONA.

146. ***Seth Govind Das:** Will Government be pleased to state:

- when the cinchona cultivation was extended to this country;
- whether the cultivation of cinchona and its development was intended as a philanthropic measure;
- what are the League of Nations' conventions with regard to the starting of cultivation and development;
- whether it is a fact that it has now been converted into a revenue making measure like opium, regardless of the original purpose for which it was started; if so, why;
- the total quantity of quinine at present in the hands of Government;
- the revenue on this head under the revenue making system;
- whether they are aware that a large quantity of the quinine in stock could be distributed among the many charitable districts to serve the advantage for which it was produced; if so;
- what the reasons are to overlook such a vital necessity since malaria is still very rampant in the country;
- whether they are prepared to reconsider their decision and revise it in favour of the purpose for which its product was ear-marked; and
- if the answer be in the negative, their reasons?

Sir Girdja Shankar Bajpal: (a) and (b). The cultivation of cinchona was introduced about 1861 as an experiment to explore the possibility of meeting India's requirements of its principal derivatives from Indian sources.

(c) The Government of India are not aware of any conventions of the League of Nations on the subject.

(d) The answer to the first part is in the negative. The second part does not arise.

(e), (g), (h), (i) and (j). The total quantity of quinine belonging to the Government of India at the end of 1935 amounted to 187,921 lbs. Of this 150,000 lbs. is maintained as a reserve to meet national emergencies. The balance of 17,921 lbs. has been left over after the allocation last year to Provinces, for additional free distribution, of 45,000 lbs. of quinine. The Honourable Member will observe that the Government of India have provided a substantial amount of the drug for free distribution only recently and also maintain a large reserve to meet possible emergencies. Further action is really for Local Governments who are responsible for Public Health.

(f) A statement showing the revenue realised from the sale of Government of India quinine during the five years 1930-31 to 1934-35 is laid on the table of the House.

Statement.

Revenue realised by the Government of India from the sales of quinine during 1930-31 to 1934-35.

	Rs.
1930-31	4,43,073
1931-32	3,17,510
1932-33	2,16,988
1933-34	2,88,862
1934-35	6,08,781

Seth Govind Das: Do Government receive periodical reports from the Provinces as to how this quinine is disposed of?

Sir Girja Shankar Bajpai: The Government of India do not directly receive any report, but the Public Health Commissioner with the Government of India makes use of the provincial reports for publication in a consolidated report of the various anti-malarial activities of the Provinces including the utilization of quinine.

Dr. T. S. S. Rajan: What is the actual cost of production of quinine for Government?

Sir Girja Shankar Bajpai: Actual cost of production, so far as the Government of India quinine is concerned, is Rs. 15 and a few annas; that is exclusive of overhead charges.

Dr. T. S. S. Rajan: What is the sale price of quinine according to Government?

Sir Girja Shankar Bajpai: The sale price is Rs. 18.

Dr. T. S. S. Rajan: Are Government a member of any combine for selling quinine?

Sir Girja Shankar Bajpai: No, Sir. The Government of India are not members of a combine. The combine quinine sells at Rs. 22.

Seth Govind Das: If quinine costs Rs. 15 to make and if Government sell it at Rs. 18, then do they not make too much profit?

Sir Girja Shankar Bajpai: As I stated in answer to one of the earlier questions, the cost of production at Rs. 15 includes neither the element of rent for the land utilised nor overhead charges. If you include these items, then there is scarcely any profit at all, possibly only a few annas per pound.

Dr. T. S. S. Rajan: What is the national emergency which the Government expect with regard to such huge reserve of quinine in their hands?

Sir Girja Shankar Bajpai: My Honourable friend might have possibly read of the epidemic of malaria that took place in Ceylon two years ago. They had no quinine left at all. Actually they were in extreme difficulty and they had to come to the Government of India and it was because we gave them 10,000 lbs. of quinine that they were able to meet the emergency with which they were faced. Here in India with a population of over 351 millions, the emergency may be on a very much larger scale.

Mr. M. Ananthasayanam Ayyangar: How long has this reserve been there?

Sir Girja Shankar Bajpai: The reserve has been there since it was built up.

Mr. M. Ananthasayanam Ayyangar: How long ago was it?

Dr. T. S. S. Rajan: Has the area under cinchona cultivation been curtailed in the last year?

Sir Girja Shankar Bajpai: So far as the Government of India plantations in Burma are concerned, the area has been curtailed as the result of a recommendation made by a committee of this House, the General Purposes Retrenchment Committee. Whether the same is true of Bengal, I do not know.

Dr. T. S. S. Rajan: I am talking of cinchona cultivation in the Nilgiris in the Madras Presidency.

Sir Girja Shankar Bajpai: The cinchona area in the Nilgiris in the Madras Presidency is under the Government of Madras and not under the Government of India, and I could not say what the position there is.

SCHEME FOR ENLARGING THE COUNCIL BUILDING OF THE CENTRAL LEGISLATURE.

147. ***Seth Govind Das:** Will Government be pleased to state:

- (a) whether they have prepared any scheme for enlarging the Council Building of the Central Legislature to accommodate the larger number of Members that will have to come to the coming Federal House, in the event of its formation;

- (b) the approximate expenditure estimated for the improvements to be affected;
- (c) whether it would be possible to provide seating accommodation to all the Members in both the council halls at Delhi and Simla;
- (d) whether residential accommodation improvements are also to be made, if so, what the contemplations are; and
- (e) the total expenditure on this account?

The Honourable Sir Frank Noyce: (a), (b) and (c). No scheme has yet been prepared, but the question of enlarging the Council Chamber at New Delhi is engaging the attention of Government. Until detailed proposals are submitted, I cannot give even approximate figures for expenditure or seating accommodation. Government do not propose to incur important expenditure at Simla in advance of the establishment of the Federal Government.

(d) and (e). Government do not propose at present to add to the residential accommodation already available for Members of the Central Legislature.

Mr. S. Satyamurti: With regard to the answer about Simla, do I understand the Honourable Member's answer to mean that he proposes to spend money at Simla, after the establishment of the Federation?

The Honourable Sir Frank Noyce: No, Sir, not this Government at any rate. That will be a matter for the Federal Government to decide.

Mr. S. Satyamurti: Have Government considered the point raised in clause (c) of the question, whether it is physically possible to provide seating accommodation for any conceivable Council Hall in Simla with about 400 members and about 600 in a joint Session?

The Honourable Sir Frank Noyce: That, Sir, will be a question which must engage the anxious attention of the Federal Government, if it decides to hold Sessions at Simla.

Mr. S. Satyamurti: May I take it, therefore, that until the Federal Government really functions and considers the point and comes to a decision, this Government will take no steps to increase the accommodation in Simla?

The Honourable Sir Frank Noyce: That is what I have said. I have said that Government do not propose to incur important expenditure at Simla,—and undoubtedly this would be important expenditure,—in advance of the establishment of the Federal Government.

Mr. S. Satyamurti: What does the word "important" mean?

The Honourable Sir Frank Noyce: Government have to incur expenditure on maintenance and repairs to their present buildings. They do not propose to add to that on any large scale before the establishment of the Federal Government.

Seth Govind Das: As far as the alteration of the Council House is concerned, will Government keep in view that they should not spend so extravagantly on this alteration as they have been doing in the building of New Delhi?

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

IMPORT OF FOREIGN RICE INTO INDIA.

148. ***Seth Govind Das:** Will Government be pleased to state:

- (a) whether Government have taken any action to prevent the import of foreign rice into India;
- (b) if so, what;
- (c) the quantity of foreign rice which has been imported into India during the year beginning with 1st January to the end of the year;
- (d) whether the import of such rice has adversely affected the rice market of India; and
- (e) if so, the extent to which the market has been affected?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Yes, Sir. I would refer the Honourable Member to section 2 (2) of the Indian Tariff (Amendment) Act of 1935.

(c) A statement is laid on the table.

(d) No, Sir.

(e) Does not arise.

Statement showing imports of rice into India from foreign countries during the calendar year 1935.

	Rice.	Broken rice.	Paddy.
	Tons.	Tons.	Tons.
January	1,459	4,396	1,617
February	3,142	13,213	3,935
March	6,012	27,755	..
April	912	4,516	1,442
May	506	..	10,548
June	4	..	7,363
July	506	..	6,494
August	755	9,035	14,676
September	664	11,930	10,800
October	1,300	5,942	20,704
November	1,660	10,150	7,495
December	2,993	6,179	5,619

Mr. T. S. Avinashilingam Chettiar: Are Government aware that large consignments of rice are still imported into the country?

The Honourable Sir Muhammad Zafrullah Khan: No, they have been on a considerably reduced scale.

Dr. T. S. S. Rajan: What is the import of paddy into India since the tariff was introduced?

The Honourable Sir Muhammad Zafrullah Khan: I could give the Honourable Member the figures. If he likes I can read them out of the statement I have laid on the table.

Dr. T. S. S. Rajan: I am simply asking because the tariff was put on broken rice. I should like to know what is the position with regard to paddy.

The Honourable Sir Muhammad Zafrullah Khan: I can read out the figures from the statement I have laid on the table with regard to any particular month or series of months that the Honourable Member may be interested in, in 1934 or 1935.

Dr. T. S. S. Rajan: I should like to have the total imports.

The Honourable Sir Muhammad Zafrullah Khan: With regard to paddy there has been a decrease of 13,790 tons in 1935 as compared with 1934.

Dr. T. S. S. Rajan: Are Government satisfied that the protection afforded in regard to broken rice is enough and that paddy and rice do not require any further protection?

The Honourable Sir Muhammad Zafrullah Khan: That is the present position.

CENSOR OF LETTERS IN POST OFFICES.

149. ***Seth Govind Das:** Will Government be pleased to state:

- (a) the rules governing the censor of letters in post offices in this country;
- (b) whether the postal officials do the censoring or whether officials of the Intelligence department are engaged in this task;
- (c) the expenditure incurred by the Government by the engagement of this special staff for the postal censoring annually;
- (d) whether they are aware of the delay caused in the delivery of such letters owing to the censoring; and
- (e) the reasons for censoring the letters of Members of the Legislative Assembly?

The Honourable Sir Henry Craik: (a)—(e). I would refer the Honourable Member to section 26 of the Post Office Act and to the answer given by me on the 25th March, 1935, to Pandit Govind Ballabh Pant's question No. 965.

Mr. S. Satyamurti: What is the object of censoring these letters?

The Honourable Sir Henry Craik: I have nothing to add to the answer that I gave to Pandit Govind Ballabh Pant's question No. 965.

Mr. S. Satyamurti: May I know what happens to the censored letters? Are copies sent to Members of Government?

The Honourable Sir Henry Craik: The Honourable Member has perhaps forgotten the answer which I gave on a previous occasion. It was to the effect that the Government of India do not consider it in the public interest to give any information regarding the working of the postal services.

Seth Govind Das: After the reply was given last year to Pandit Govind Ballabh Pant's question, did Government find anything objectionable in the letters of M. L. A.'s, on account of which they want to get them censored?

The Honourable Sir Henry Craik: The Honourable Member is still asking me to give information. I have said that I do not consider it in the public interest to give it.

CONCESSIONS GIVEN TO THE MILITARY TRAFFIC ON THE RAILWAYS.

150. ***Seth Govind Das:** (a) Will Government be pleased to state the extent to which special concessions are being given to Military traffic on the railways?

(b) Will Government be pleased to state the reasons for granting special concessions to the Military Traffic on the Railways?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). I would refer the Honourable Member to the replies given by Mr. P. R. Rau to Mr. Mohan Lal Saksena's question No. 1138 on the 29th March, 1935, and to Mr. K. C. Neogy's question No. 988 on the 25th September, 1929.

Mr. S. Satyamurti: Have Government considered the recommendation of the Public Accounts Committee,—I hope it has reached them,—that they should examine the value of all the concessions which the Railway gives to the Military and other departments, in order to come to some settlement with regard to the real financial position of the Railways?

The Honourable Sir Muhammad Zafrullah Khan: Yes, Sir.

Mr. S. Satyamurti: What is the result of the consideration?

The Honourable Sir Muhammad Zafrullah Khan: There has been some discussion with the Army Department and some slight modifications of the present position are expected.

Mr. S. Satyamurti: Are they expected to be incorporated in the next year's budget, that is to say, credit to be given to the Railways for all these various concessions to the departments including the Military?

The Honourable Sir Muhammad Zafrullah Khan: Any concessions given are not incorporated in the budget, nor any arrangements made with regard to rates and fares.

Mr. S. Satyamurti: May I know whether the income of the Railways will not correspondingly increase, if the Military Department were asked to pay the normal rates which other kinds of traffic pay?

The Honourable Sir Muhammad Zafrullah Khan: I have already submitted that the result of these negotiations is likely to be some slight modification of the present position. To that extent the Railway earnings will benefit.

TRAVELLING OF OFFICERS IN SALOONS.

151. ***Seth Govind Das:** Will Government be pleased to state:

- (a) the rules governing the travelling of officers in saloons;
- (b) what kind of officers are allowed to travel in saloons;
- (c) the reasons for granting them the privilege of travelling in saloons instead of first class in the ordinary compartments;
- (d) the cost of maintaining the saloon system per year on the Indian Railways;
- (e) how many saloons are maintained on the State Railways and how many on the company Railways;
- (f) what are the types and classes of saloons maintained and the officers and their grade for which such saloons are intended;
- (g) the net saving in expenditure if the district officers were asked to travel in first class instead of in saloons; and
- (h) whether they ever considered the scheme of allowing Railway district and sub-officers to travel in first class instead of in saloons? If so, with what conclusions?

The Honourable Sir Muhammad Zafrullah Khan: (a) No general rules governing the travelling of officers in saloons have been prescribed.

(b) Any officer who has to travel in the discharge of his duties may be permitted to use a saloon.

(c) Travelling in a saloon is not regarded as a privilege. Saloons serve the dual purpose of providing a means of transport and a habitation at destination. This latter purpose is no less essential than the former and saloons must be provided if railway officers are to carry out their duties efficiently and without detriment to their health.

(d) The information asked for is not available due to no distinction being made between the maintenance costs for saloons and other types of coaching vehicles in railway accounts.

(e) and (f). The Honourable Member's attention is invited to the statements at pages 84 to 91 of the Proceedings of the Meeting of the Standing Finance Committee for Railways, dated the 14th and 15th June, 1934, Vol. XI, No. 2.

(g) No saving would result because the alternative to providing saloons would necessitate the provision of rest houses at many stations.

(h) No. The scheme has not been considered for the reasons given in (c) and (g) above.

Mr. S. Satyamurti: Apart from railway officers, how many other officers are allowed to travel in saloons?

The Honourable Sir Muhammad Zafrullah Khan: You mean officers not belonging to the Railway Department? If you will put down a question, I shall endeavour to obtain the information.

Mr. S. Satyamurti: May I know how many of these officers actually live in saloons, when they reach their destination?

The Honourable Sir Muhammad Zafrullah Khan: Meaning thereby officers referred to in the last supplementary question, that is to say, not officers of the Railway Department? If there is a specific question put down, I shall obtain the information.

Mr. S. Satyamurti: Do all officers stay in their saloons, when they reach their destination and never go to any other places?

The Honourable Sir Muhammad Zafrullah Khan: I could not say.

Mr. S. Satyamurti: May I know whether, in view of the disastrous situation of the railways, Government would compel all these gentlemen to travel first class and save some money on these saloons being provided for them?

The Honourable Sir Muhammad Zafrullah Khan: That was the question in part (h) to which I have already given a reply.

Seth Govind Das: Are Government aware that many times these officers occupy waiting rooms in stations and these waiting rooms are not available to first and second class passengers?

The Honourable Sir Muhammad Zafrullah Khan: I should imagine that, if an officer does so, he would be changing a comfortable saloon for an uncomfortable waiting room.

Seth Govind Das: Are Government aware of the fact that as the families of these officials accompany them, the accommodation in the saloon is not enough, and, at such times, they occupy the saloons as well as the waiting rooms?

The Honourable Sir Muhammad Zafrullah Khan: What solution does the Honourable Member suggest?

Seth Govind Das: The abolition of saloons.

The Honourable Sir Muhammad Zafrullah Khan: And, consequently, all the available accommodation in waiting rooms being taken up by these officers?

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

INDIAN UNIVERSITIES AND RESEARCH INSTITUTES.

152. *Seth Govind Das: Will Government be pleased to state:

- the number and names of the Statutory Indian Universities;
- the number of research institutes that are maintained by the Government of India;
- the grants given to the statutory Indian Universities per year during the last five years;
- the total maintenance expenditure and their income in the research institutes under the Government of India;
- the number of European officers employed in the enterprise of research institutions as against Indians and the salaries they draw separately;
- the names of the research institutes that have proved successful and, if so, to what appreciable extent; and
- the number of people trained through the institutes and the number that were employed by Government after their training?

Sir Girja Shankar Bajpai: Some of the information asked for by the Honourable Member is still being collected and I shall furnish a complete answer in due course.

TECHNICAL INSTITUTES.

153. *Seth Govind Das: Will Government be pleased to state:

- the number of technical institutes maintained or supported by them and their names;
- the annual expenditure on each of these institutions;
- whether they have considered the possibility of amalgamating all these technical institutes into a Technical university;
- whether they propose to consider the advisability of starting a university for technical or industrial training; and
- the expenditure for starting and to maintain annually such a university?

The Honourable Sir Frank Noyce: (a) and (b). I would invite the attention of the Honourable Member to the statement laid on the table of this House on the 2nd September, 1935, in connection with the starred question No. 567 asked by Mr. Sitakanta Mahapatra on the 14th August, 1934.

(c) and (d). No.

(e) Does not arise.

AFFIXATION OF STAMPS ON COVERS CONTAINING POSTAL COMPLAINTS.

154. *Seth Govind Das: Will Government be pleased to state:

- whether they are aware that, on covers containing complaints to the postal authorities, postage stamps must be affixed;

- since when this rule has been enforced;
- the reason for the change of this rule from non-payment to payment of postage stamps for such covers containing complaints;
- the total estimated revenue per year on this account to the Postal Department;
- whether they propose to re-enforce the old rule eliminating payment of postage on letters of complaint to the postal authorities; and
- if so, when; if not, why not?

The Honourable Sir Frank Noyce: (a) Yes.

(b) 1st January, 1932.

(c) A statement giving the reasons is placed on the table.

(d) Government are not in a position to make any reliable estimate.

(e) No.

(f) The first part does not arise. As regards the second part, the Honourable Member is referred to the reply given to part (c) above.

Statement.

The concession of sending free of postage complaints against the Posts and Telegraphs Department was granted in the early days of the Post Office of India when it was considered desirable to encourage complaints in order to ascertain and remove defects in the service which might otherwise pass unnoticed and generally to establish confidence in the minds of the public. The privilege no doubt served its purpose at the time but it had long outlived its usefulness and had developed into a source of inconvenience, as the majority of the complaints proved to be groundless. On an examination of the figures relating to complaints for several years it was found that the number of frivolous complaints was about two-thirds of the total number. Moreover, covers marked 'Postal Complaints' containing anonymous complaints against officers or frivolous objections and occasionally even petitions for employment were received which not only resulted in a loss of revenue but also entailed much waste of time of the officers concerned. In most countries, including such advanced countries as Great Britain and United States of America, no such concession is granted to the members of the public nor is it granted in India in the case of complaints sent to other departments of the Government. It was, therefore, considered that there was no justification for allowing complaints against postal or telegraph service to be sent without postage and the concession was accordingly withdrawn.

Mr. S. Satyamurti: On account of the mistakes of some postal authorities when such things are done, why should the general public be taxed for making these complaints?

The Honourable Sir Frank Noyce: The Honourable Member will find the reasons why this concession has been withdrawn given in the statement I am placing on the table. In any case, I would point out that it is open to any person making a complaint against the post office to hand it in at the nearest post office, in which case it will be forwarded to the authority concerned.

Mr. Sami Vencatachalam Chetty: This morning I received a postcard from the Director General, Posts and Telegraphs, inviting me to correspond with a particular officer. May I know if my reply to that invitation should also be affixed with a stamp?

The Honourable Sir Frank Noyce: Yes, if it is sent by post.

CONTRACT FOR BOOK STALLS ON RAILWAY STATIONS TAKEN BY MESSRS. A. H. WHEELER AND COMPANY.

155. *Seth Govind Das: Will Government be pleased to state:

- (a) whether Messrs. A. H. Wheeler and Co. have taken a permanent contract from the Railway Board for having book stalls on the railway platforms;
- (b) whether they have to pay a fee to the Railways annually;
- (c) how much do they pay;
- (d) whether their contract, if any, is subject to renewal, like the contract of the other stall keepers;
- (e) if so, whether the contract of the Wheeler & Co. is being renewed year after year on tenders being called for;
- (f) the rules governing the issue of permission to hold stalls on railway station platforms;
- (g) whether the same rule applies to all vendors of different commodities on the platforms;
- (h) whether the position of Messrs. Higginbothams in the Madras and Southern Mahratta Railway and South Indian Railway is the same as that of Messrs. Wheelers' with regard to their terms of contract, etc.;
- (i) if not, the reasons for the discrimination;
- (j) whether they are aware that, in the book stalls, most of the vernacular Nationalist papers are not sold; and
- (k) if so, whether they are aware of the reasons therefor?

The Honourable Sir Muhammad Zafrullah Khan: (a) to (c) and (f). I would refer the Honourable Member to the reply given by Mr. P. R. Rau to Pandit Sri Krishna Dutta Paliwal's question No. 522 on the 19th September, 1935.

(d) and (e). Agents of State-managed Railways were instructed in 1931-32 to arrange for five-year contracts after calling for tenders.

(g) No. There is no analogy between the two.

(h) and (i). I believe the firm mentioned are the sole contractors on the two railways referred to, but Government have no information as regards the terms of their contract.

(j) No.

(k) Does not arise.

Seth Govind Das: Has Sir Henry Wheeler any connection with this concern? (Laughter.)

The Honourable Sir Muhammad Zafrullah Khan: Does the Honourable Member pretend that he is not aware as to who Sir Henry Wheeler is, and for what purpose he is visiting India?

Mr. N. M. Joshi: Have Government considered the prices charged by Wheeler and Company for the books they sell? It has come to my notice that they charge for a shilling much more than an ordinary bookseller does.

The Honourable Sir Muhammad Zafrullah Khan: If the question is whether Government have considered the scale of prices, the answer is in the affirmative.

Mr. N. M. Joshi: May I know whether Government do not consider that the charges of Wheeler and Company are excessive?

The Honourable Sir Muhammad Zafrullah Khan: In some cases they are higher than those charged by ordinary booksellers.

Mr. N. M. Joshi: Has this been pointed out to them?

The Honourable Sir Muhammad Zafrullah Khan: A suggestion has been made to that effect.

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

EXEMPTION FROM IMPORT DUTY OF CERTAIN MATERIALS USED FOR EDUCATIONAL PURPOSES.

156. *Seth Govind Das: Will Government be pleased to state:

- (a) whether they received any representation from any Universities or other educational, religious or charitable organisations praying for refunds of customs duties with respect to machinery, apparatus or other materials imported from abroad so far solely for educational purposes;
- (b) if so, whether such representations have been favourably disposed of;
- (c) the number of such representations received during the last year;
- (d) the number that have been favourably disposed of; and
- (e) the estimated loss to the Government Revenues on this head of exempting such materials from import duty, as are solely meant for educational purposes?

Mr. A. H. Lloyd: (a), (b) and (d). Government have received such representations but have been unable to accept them.

(c) Three.

(e) The information is not available.

Mr. S. Satyamurti: May I know the reasons, Sir, why Government have not been able to show this favour to the Universities, in respect of a matter in which they have no information as to the estimated loss to Government revenues? Unless it is very high, I do not see why the Government of India consider that the remission of duties which are leviable under the law is not a proper method for assisting the Universities, but that the help in such cases should take the form of direct grants-in-aid by the departments concerned. Will Government suggest to the Departments concerned to make grants for these Universities corresponding to the duties they have got to pay on these goods?

Mr. A. H. Lloyd: It is for the institutions themselves to ask for that.

Mr. S. Satyamurti: Will the Government of India extend the grant to such Universities which are under their control as Aligarh and Benares? Do Government know that the Inter-University Board has been pressing this matter on Government for many years now, and there is a strong feeling on the part of the Universities in this matter?

The Honourable Sir James Grigg: It is quite natural that the Inter-University Board should raise such questions; otherwise they would not be doing their job. I do not see, however, why Government should necessarily accept their views.

Mr. S. Satyamurti: Have Government calculated the loss that would occur if they gave these concessions?

The Honourable Sir James Grigg: No, but there are lots of other institutions besides Universities which would ask for concessions which embodied the same principle.

Mr. S. Satyamurti: But do not Universities deserve special treatment at the hands of Government?

The Honourable Sir James Grigg: There are lots of other institutions which deserve at least as much or as little special treatment as the case may be.

Sir Cowasji Jehangir: Would not such concessions amount to a grant from Central revenues when by law it should be from provincial revenues.

The Honourable Sir James Grigg: That is so, except in the case of Benares and Aligarh.

SUBSIDY TO PRIVATE AEROPLANE CONCERNS.

157. ***Seth Govind Das:** Will Government be pleased to state:

- (a) the number of aeroplanes that are at the disposal of the Government of India including the various Provincial Governments excluding the Air-Craft Force; and their uses;
- (b) their cost of maintenance per year;
- (c) whether they are prepared to support private concerns if the concerns want to start aeroplane service for traffic in this country; and
- (d) whether they are prepared to grant subsidies to such private enterprises in this country?

The Honourable Sir Frank Noyce: (a) The Government of India own two machines. One is reserved for His Excellency the Viceroy. The other is available for official use. I understand that the Government of Bengal have one machine, but I am not in a position to give details of arrangements made by Local Governments.

(b) The two Government of India machines are maintained and operated under contract by Indian National Airways, Limited. The cost to the Government of India (excluding the cost of petrol and oil) may be put at Rs. 45,000 per annum. The actual cost varies according to the amount of flying done.

(c) and (d). The Government of India welcome the establishment of internal air services, but are not prepared as a general rule to offer subsidies.

Sir Cowasji Jehangir: Is the second a Government aeroplane?

The Honourable Sir Frank Noyce: Yes, it is for official use. I myself have travelled in it.

FOOD PROBLEM IN INDIA AND ADOPTION OF BIRTH CONTROL METHODS.

158. ***Mr. Akhil Chandra Datta:** (a) Have Government taken into consideration the report of Col. Russell, Public Health Commissioner of the Government of India in which he has discussed the gravity of the food problem in India arising out of the rapid growth of population?

(b) Have Government obtained expert economist opinion and advice or taken any steps to obtain such opinion or advice in order to solve the food problem?

(c) What are the different remedies, if any, which have upto now been suggested?

(d) Have Government adopted any definite programme in this behalf?

(e) Have Government considered the merits of Col. Russell's suggestion for adoption of birth control methods to arrest the increase of population?

Sir Girja Shankar Bajpai: (a) to (e). Col. Russell's suggestion that there is an actual insufficiency of food crops represents his personal opinion and is not susceptible of precise verification. There are no accurate statistical data and no practical indication that there is a shortage of food supply. The progressive increase of population naturally gives rise to the question as to how far the economic development of the country is keeping pace with such increase. In answer to another question of the Honourable Member, which is due to come up later, I shall endeavour to explain what is being done for agriculture by the Central Government. There is no reason to believe that the Provinces who are primarily responsible for agriculture are not alive to their responsibility. As regards birth control the Government of India feel that the matter is primarily for Local Governments to deal with, with due regard to public opinion.

MEASURES ADOPTED TO COMBAT MALARIA.

159. ***Mr. Akhil Chandra Datta:** (a) Is it a fact that about 20 per cent. of the total deaths in this country are due to malaria? Will Government state their entire programme for fighting malaria?

(b) What are the different anti-malarial measures adopted and tried in the different provinces and what results have been achieved?

SALARIES DRAWN BY EUROPEAN GOVERNMENT SERVANTS AND PROFITS EARNED BY BRITISH AND OTHER FOREIGN COMPANIES IN INDIA.

162. *Mr. Akhil Chandra Datta: Will Government state:

- (a) the amount of money drawn as salaries by Europeans as Government servants in India in the year 1933; and
- (b) the amount of profit earned by British and other foreign companies in India during the five years from 1929 to 1933?

The Honourable Sir James Grigg: (a) and (b). The information is not available.

Mr. S. Satyamurti: Will Government collect the information?

The Honourable Sir James Grigg: No.

Mr. S. Satyamurti: Why not?

The Honourable Sir James Grigg: I do not think it is worth while doing so.

Mr. S. Satyamurti: I think it is worth while: I want to know how much money is going outside the country, through salaries and through British and foreign Companies.

The Honourable Sir James Grigg: I disagree with the Honourable Member.

Mr. T. S. Avinashilingam Chettiar: What is the answer to clause (b)?

(No reply.)

GRANT OF PREFERENCES TO INDIAN GOODS ON IMPORT INTO CEYLON.

163. *Mr. Akhil Chandra Datta: (a) With reference to the answer to starred question No. 10 part (b), given on the 2nd September, 1935, will Government state if the negotiations with the Government of Ceylon on the subject of the grant of preferences to Indian goods on import into Ceylon have been now concluded?

(b) If so, the result of such negotiations?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). The negotiations with the Government of Ceylon on the subject of the grant of preferences to Indian goods on import into Ceylon have not yet been concluded.

INDIAN STATES WILLING TO ENTER THE FEDERATION.

164. *Mr. Akhil Chandra Datta: Will Government state the names of Indian States, if any, the rulers whereof have expressed their intention to accede to the Federation of India under the provisions of Chapter I, Part II of the Government of India Act, 1935?

The Honourable Sir Nripendra Sircar: I would invite the attention of the Honourable Member to my reply to question No. 44.

NEGOTIATIONS WITH INDIAN STATES OVER MATTERS TO BE SPECIFIED IN THE INSTRUMENT OF ACCESSION.

165. *Mr. Akhil Chandra Datta: (a) Is the Secretary of State for India or the Government of India carrying on negotiation with any State over the matters to be specified in the Instrument of Accession under section 6 of the Government of India Act?

(b) Has any sample or model Instrument of Accession been drafted by or on behalf of any party? If so, will Government be pleased to lay it on the table?

(c) Have the States or any of them engaged anybody to carry on negotiations on their behalf either with the Secretary of State for India or with the Government of India?

The Honourable Sir Nripendra Sircar: (a) The Honourable Member's attention is invited to my reply to question No. 44.

(b) No final draft is yet ready.

(c) The Government of India have no definite information on the subject.

Mr. S. Satyamurti: With reference to the answer to clause (b) of the question, may I know, when the final draft is ready, whether it will be placed on the table of this House?

The Honourable Sir Nripendra Sircar: At present, there is no intention of doing that; but I cannot bind the Government to any course of policy on a sudden supplementary question.

RECRUITMENT FOR THE INDIAN ARMY.

166. *Mr. Akhil Chandra Datta: (a) Will Government be pleased to name the different races, classes, communities or castes from which people have been recruited for the Indian Army during the five years from 1929—33?

(b) Are the classes from which the Indian army is recruited altered from time to time? If so, what is the principle on which the alteration is made?

(c) Are there any written or unwritten rules on the subject?

(d) Has there ever been any rule enacted as to the class from which recruitment should be made? If so, what are the classes?

Mr. G. R. F. Tottenham: I assume that the Honourable Member is referring only to recruitment to the non-commissioned ranks of the Indian Army. The commissioned ranks are open to all races, classes, communities and castes. On this assumption the answer to his question is as follows:

(a) I lay a statement on the table.

(b), (c) and (d). There are no written rules on the subject. The policy of the Government of India is to recruit the limited strength of the Army from those classes which are likely to prove most efficient for the purposes for which the Army is maintained and the military authorities have discretion in giving effect to that policy to vary the classes from which recruitment is actually made from time to time.

Sir Girja Shanker Bajpai: (a) Deaths from malaria are not recorded separately in all provinces. It is not possible, therefore, to determine the exact percentage of deaths in India due to this disease. Fighting malaria is primarily the concern of Local Governments but the Government of India assist by provision of facilities for instruction in malariology and by research. For curative purposes, as the Honourable Member is aware, the Government of India have recently allocated 45,000 pounds of quinine to provinces for free distribution.

(b) For the latest available information the Honourable Member is referred to pages 64-66 and 218-215 of the Report of the Public Health Commissioner with the Government of India for 1933, a copy of which is available in the Library of the House.

Dr. T. S. S. Rajan: Have the Central Government anything to do with the research into prevention of malaria in the work carried on in the provinces?

Sir Girja Shanker Bajpai: The Government of India through the Indian Research Fund Association maintain the Malarial Survey of India at Kasauli. I could not give here a detailed account of what the Bureau does, but, if my Honourable friend would like to have detailed information, I could obtain it for him.

MEASURES ADOPTED TO COMBAT THE MORTALITY OF CHILDREN.

160. ***Mr. Akhil Chandra Datta:** Is it a fact that about 50 per cent. of total deaths in India are of children below ten years? If so, what steps have Government adopted or proposed to adopt to combat this abnormal mortality?

Sir Girja Shanker Bajpai: The answer to the first part is in the affirmative. An account of the steps taken to reduce infant mortality is given in the statement that I lay on the table.

Statement.

(1) Preventive work is being done in a large number of Child Welfare Centres all over the country by Local Governments, local bodies, and the Maternity and Child Welfare Bureau under the Indian Red Cross Society.

(2) Arrangements are made for the medical inspection of school children leading to protective inoculation and vaccination of the unprotected during threatened outbreaks of infectious diseases, for the opening of school dispensaries for treatment of minor ailments and for giving lectures in hygiene and first aid.

(3) General improvement in environmental hygiene, i.e., the hygiene of the home and the village along with general public health measures.

Mr. S. Satyamurti: What is the answer to the second part of the question?

Sir Girja Shanker Bajpai: That my Honourable friend will find in the statement which I am laying on the table.

Mr. S. Satyamurti: Are the Government of India taking any steps in this matter?

Sir Girja Shanker Bajpai: If my Honourable friend wishes me to do so, I shall read it.

Mr. S. Satyamurti: Only that part about any steps taken or proposed to be taken.

Sir Girja Shanker Bajpai: The statement deals with the steps that Local Governments concerned are taking.

Mr. S. Satyamurti: Are Government aware that infantile mortality is very abnormal, and have Government tried to deal with it as an all-India problem, and tackle it on a nation-wide scale, apart from what the provinces are doing?

Sir Girja Shanker Bajpai: So far as the question of consideration of the problem is concerned that is receiving the attention of the Government of India and the provinces, both; even in the report to which I have referred at pages 64, 65 and so on, my Honourable friend will find that the main reason of the high incidence of mortality among infants is defectiveness of environmental conditions. The Government of India sitting here cannot remove those deficiencies in environmental conditions.

Mr. S. Satyamurti: Have Government considered the problem of milk supply, particularly with regard to these infants and their mothers and are they suggesting to Local Governments any steps on a country-wide scale, in order to conserve and improve the breed of cattle, improve the quantity and quality of milk? Are these engaging the attention of Government, or are they merely concerned in fighting us?

Sir Girja Shanker Bajpai: I do not admit the implication of my Honourable friend's suggestion that Government's sole activity is fighting Honourable Members opposite. As regards the various activities to which he has referred, agriculture, medical, and so on, he will appreciate that I cannot, within the compass of a supplementary answer, say all that the Government of India are doing. But the question of milk supply, which he has mentioned, is, in my opinion, one of such elementary importance that every Local Government must be alive to it.

Mr. S. Satyamurti: Does the Honourable Member think that Government are doing enough?

(No answer.)

RISE IN THE PRICE LEVEL OF INGOTS AND OTHER STEEL ARTICLES.

161. ***Dr. Ziauddin Ahmad:** (a) Will Government be pleased to mention the rise in the price level of ingots and other steel articles compared with the price level of those articles at the time Steel Protection Bill was passed?

(b) What is the additional burden on the consumers of India due to the increase in price level?

The Honourable Sir Muhammad Zafrullah Khan: (a) Ingots are not protected. Generally speaking there has been no rise in the prices of articles of iron and steel which are subject to a protective import duty.

(b) Does not arise.

Statement showing the classes recruited for the Indian Army, during 1920-33.

CLASSES.

Mohammedans.

Dekkani Mussalmans.
 Hazaras of Afghanistan.
 Hindustani Mussalmans.
 Madrassi Mussalmans.
 Meos.
 Pathans.
 Punjabi Mussalmans.
 Rajputana and Central India Mussalmans.
 Mussalman Rajputs (Ranghars).
 Miscellaneous Mussalmans.

Hindus.

Adi Dravidas.
 Ahirs.
 Brahmins.
 Dogras.
 Garhwalis.
 Gujars.
 Gurkhas.
 Jats.
 Jats (Rajputana).
 Kumaonis.
 Mahrattas.
 Rajputs.
 Rajputs (Rajputana).
 Tamils.
 Telugus.
 Miscellaneous Hindus.

*Christians.**Sikhs.**Burmese.*

Burmans.
 Chins.
 Kachins.
 Karens.

Mr. T. S. Avinashilingam Chettiar: Is there any ban on any community from being recruited to the non-commissioned ranks?

Mr. G. R. F. Tottenham: I said that certain communities are enlisted and certain communities are not enlisted.

Mr. S. Satyamurti: Will Government consider, at least on a limited and experimental scale, recruitment to the non-commissioned ranks from other communities not in the list, with a view to making this recruitment on as wide a scale as possible and convenient?

Mr. G. R. F. Tottenham: No. I regret that Government cannot consider that.

Sardar Mangal Singh: Will the Honourable Member state why Government have departed from this practice in the matter of recruitment to the commissioned ranks?

Mr. G. R. F. Tottenham: I think in response to public opinion on the subject.

Mr. Lalchand Navalrai: May I know if the only reason why recruitment from certain communities is refused because the men belong to that community?

Mr. G. R. F. Tottenham: For what other reason could we refuse them, I do not understand.

Mr. Lalchand Navalrai: On account of their belonging to a particular community, they are not taken in military service?

Mr. G. R. F. Tottenham: They are not refused entry into the army merely because they belong to a particular community, but because that community does not furnish as good recruits for the army as other communities.

Mr. Lalchand Navalrai: Why is no chance given to them to show that they are fit for the army?

Mr. G. R. F. Tottenham: Very large chances were given during the war.

Mr. S. Satyamurti: Do Government say that all communities in India except those which are in the list, have been tried and found wanting?

Mr. G. R. F. Tottenham: No; it is not that they were found definitely wanting, but they were found to be less efficient than others.

Mr. Lalchand Navalrai: How will they improve, then, I ask?

Mr. G. R. F. Tottenham: The statistics of recruitment during the war proved very conclusively that certain communities were not worth recruiting from.

Mr. Lalchand Navalrai: Is the Honourable Member then waiting for another war for this purpose?

QUESTION OF INCREASING THE EARNINGS OF RAILWAYS.

167. ***Mr. Akhil Chandra Datta:** (a) Have Government considered and examined the question of increasing the earnings of Railways?

(b) Was there any investigation of this matter in October 1935 in consultation with the Agents and the Railway Board? If so, what conclusions have been reached and what decisions taken?

(c) What steps have Government been taking or propose to take to give effect to the said decisions?

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

(b) Yes; Railways were asked to examine their tariffs very carefully and to investigate possibilities of alterations in order to increase net revenue.

(c) Various Railways have already taken action within their powers to achieve this purpose, and have estimated that on the present level of traffic the alterations that they have given effect to or contemplate making in the near future will increase their earnings by, say, a crore.

OVERHAULING OF THE INCOME-TAX SYSTEM OF INDIA.

168. ***Mr. Akhil Chandra Datta:** Will Government state what steps have been taken for the overhauling of the income-tax system of India? Have any experts been appointed either in India or in the United Kingdom? If so, will Government state:

- (a) their names and descriptions,
- (b) the terms of reference,
- (c) their remuneration, and
- (d) the date by which they have been asked to submit their report and recommendation?

The Honourable Sir James Grigg: The Government of India have obtained on loan the services of two experts from the Board of Inland Revenue, United Kingdom, to overhaul the income-tax system of British India, and have associated one member of the present income-tax staff in India with them. The experts arrived in India towards the end of October, 1935, and have commenced their work.

(a) Khan Bahadur J. B. Vachha, C.I.E., Commissioner of Income-tax, Bombay, Mr. C. W. Ayers, Principal Inspector of Taxes, England, and Mr. B. P. Chambers, Inspector of Taxes, England.

(b) I would refer the Honourable Member to what I said on this matter in the Assembly on the 4th April last.

(c) The terms normally accorded in cases of this kind.

(d) The experts are touring in the various Provinces during the cold weather and it is expected will submit their report by October, 1936.

Mr. S. Satyamurti: Do the terms of reference include making liable to Indian Income-tax, Indian money payable in Great Britain which is not liable to tax?

The Honourable Sir James Grigg: The terms of reference are not specific, but the experts have been given information on all the questions which have been raised in regard to income-tax in recent years.

Mr. S. Satyamurti: Is this one of them, I mean the one I mentioned?

The Honourable Sir James Grigg: Speaking off hand, I think it is.

Sir Cowasji Jehangir: The Honourable Member has described the two experts from England as Inspectors. Will the Honourable Member tell us what that exactly means? Does it correspond to the Inspector of Income-tax in India?

The Honourable Sir James Grigg: The Inspector of Taxes in England is of a much higher grade of officers than an Inspector of Income-tax in India.

Sir Cowasji Jehangir: What salary will he be getting in England?

The Honourable Sir James Grigg: There are various grades.

Sir Cowasji Jehangir: The most senior one?

The Honourable Sir James Grigg: The most senior man gets something like £1,700 a year.

Sardar Mangal Singh: Will this Committee look into the question of the revision of land revenue also?

The Honourable Sir James Grigg: Certainly not; they have got enough to do without that.

MEASURES TAKEN TO IMPROVE THE GENERAL FINANCIAL POSITION OF THE POSTS AND TELEGRAPHS DEPARTMENT.

169. ***Mr. Akhil Chandra Datta:** (a) Will Government please state the various measures taken in 1934-35 and 1935-36 to

(i) reduce the expenditure, and

(ii) increase the revenue of the Indian Posts and Telegraphs Department and the actual result achieved thereby?

(b) Do Government propose to take any further action to reduce the expenditure and to improve the general financial position of the Department so as to produce a balanced budget in the year 1936-37?

(c) Have Government considered the question whether the amount of contribution to the Depreciation Fund may be appreciably reduced? If so, what is the result of that investigation?

The Honourable Sir Fank Noyce: (a) As regards the year 1934-35, the Honourable Member is referred to the Director-General's Annual Report on the working of the Indian Posts and Telegraphs Department for the year 1934-35 and to the speech made by me in this House on the 3rd April, 1935, during the discussions on the Finance Bill. Copies of both these documents are in the Library of the House. As regards the year 1935-36, I would refer the Honourable Member to the Memorandum on the financial position of the department furnished by the Director-General to the Public Accounts Committee in August, 1935. That Memorandum will be found in the proceedings of the Public Accounts Committee, a copy of which is in the Library of the House. It is too early yet to make a review of the results achieved during 1935-36 and I must request the Honourable Member to await the Budget discussions.

(b) As regards the year 1936-37, it is obviously impossible for me to make any statement in advance of the presentation of the Budget for that year and I must again ask the Honourable Member to await the introduction of the Budget.

(c) The reply to the first part of the question is in the affirmative. The matter is still under investigation but it is hoped to arrive at a decision at an early date.

Mr. S. Satyamurti: Have Government considered or are they considering the question whether at least a part of the activities of this department will be treated as a service department, and it should not be treated as a mere commercial department?

The Honourable Sir Frank Noyce: I have explained the principles which govern the working of the department on various occasions on the floor of this House. It is regarded as a public utility department which is expected to pay its way.

Mr. S. Satyamurti: Have Government considered the question whether a part at least of the activities of this department to be treated as a service department, and that it need not necessarily be expected to pay all its way, because it renders great service in the spread of knowledge in this country?

The Honourable Sir Frank Noyce: Yes, Sir; that point has been considered, and the policy decided upon is as I have stated.

Mr. S. Satyamurti: With reference to the reply to part (c) of the question, may I know whether the decision of the Government on the amount of contribution to the Depreciation Fund will be arrived at, in time, before next year's Budget?

The Honourable Sir James Grigg: Yes, Sir; I will deal with that point in the Budget speech.

Mr. S. Satyamurti: I am asking my friend when the Public Accounts Committee's Report is going to be discussed on the floor of this House, and whether it will be available for discussion in time before the Budget discussion starts.

The Honourable Sir James Grigg: I shall be very grateful if my Honourable friend will address that question to the Honourable the Leader of the House. As far as I am concerned, I am quite agreeable to the discussion taking place at any time.

FINANCIAL IRREGULARITIES RESULTING FROM THE COMPLEXITY AND OBSCURITY OF THE EXISTING ARMY REGULATIONS.

170. ***Mr. Akhil Chandra Datta:** (a) Is it a fact that the attention of the Army Department has been repeatedly drawn by the Auditor General and the Public Accounts Committee to the numerous financial irregularities resulting from the complexity and obscurity of the existing Army Regulations and to the importance of simplifying and amending them?

(b) When is the revision of the Regulations for the Army in India and the "Pay and Allowance Regulations" likely to be completed?

(c) Have Government issued any instructions to expedite the said revision?

Mr. G. R. F. Tottenham: (a) Yes.

(b) I hope before the Public Accounts Committee meets again.

(c) Government are doing all they can to ensure that the work is not delayed.

FINANCIAL IRREGULARITIES MENTIONED IN THE AUDITOR GENERAL'S LETTER REFERRED TO IN THE PROCEEDINGS OF THE MILITARY ACCOUNTS COMMITTEE.

171. ***Mr. Akhil Chandra Datta:** (a) What were the financial irregularities mentioned in paragraph 7 of the Auditor General's letter referred to in paragraph 15 of Annexure 1 of the Proceedings of the first meeting of the Military Accounts Committee held on the 7th August, 1935 (page 9 of the Report of the Public Accounts Committee on the accounts of 1933-34)?

(b) What was the motive for these irregularities? What was the amount with respect to which they were committed?

(c) What are the names and designations of the officers who were responsible for these irregularities?

(d) What punishment was awarded for these irregularities?

(e) Who dealt with and awarded punishment for these irregularities?

Mr. G. R. F. Tottenham: The information required will be found in Part II, Chapter 2, of the Army Audit Report, 1935, except for the names and designations of individuals concerned which are purposely omitted from the report.

ACTION TAKEN AGAINST OFFICERS FOUND GUILTY OF FURNISHING FALSE CERTIFICATES.

172. ***Mr. Akhil Chandra Datta:** (a) Have Government considered the following observations of the Public Accounts Committee of 1932-33:

"they also desired to record their opinion that the punishment awarded in some cases was entirely inadequate and that the administrative authorities appear to take far too lenient a view of cases where the furnishing of false certificates was deliberate"?

(b) What action was taken in the cases referred to in the extract quoted above?

(c) What action was taken against the officers who were guilty of deliberately furnishing false certificates?

(d) Will Government be pleased to state the names and designations of the officers who furnished false certificates?

Mr. G. R. F. Tottenham: (a) Yes.

(b), (c) and (d). The information asked for will be found in the report of the Director of Army Audit for 1932-33, which, however, purposely omits the names and designations of persons concerned.

[7TH FEB. 1936.]

CERTAIN DEFALCATIONS COMMITTED BY OFFICERS MENTIONED IN THE PUBLIC ACCOUNTS COMMITTEE REPORT.

173. *Mr. Akhil Chandra Datta: (a) Will Government state:

- (i) the names and designations of the officers who committed the defalcations mentioned in page 29, paragraph 12 of the Report of the Public Accounts Committee on the accounts of 1933-34;
 - (ii) amounts which the respective officers defalcated; and
 - (iii) the punishment awarded to individual culprits?
- (b) Is it a fact that the punishment awarded to the superior officers was lighter than that awarded to the lower paid staff?
- (c) If so, what was the justification for this differential treatment? Will Government state the name of the authority who is responsible for this differential treatment?

The Honourable Sir James Grigg: (a) An investigation failed to prove any defalcation or to raise any suspicion against any officer of Government. In consequence no question of punishment for defalcation arose. Departmental action was taken only for breach of routine rules.

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

MAINTENANCE OF ACCOUNTS OF VALUED STORES BY THE DIRECTOR OF THE AGRICULTURAL RESEARCH INSTITUTE AT PUSA.

174 *Mr. Akhil Chandra Datta: Will Government please state whether the Education Department has issued instructions to the Director of the Agricultural Research Institute at Pusa to maintain account of valued stores, as advised by the Public Accounts Committee? If not, do Government propose to do so?

Sir Girja Shankar Bajpai: Yes.

Mr. S. Satyamurti: Is it being done?

Sir Girja Shankar Bajpai: The answer is in the affirmative.

Mr. S. Satyamurti: The answer is in the affirmative, I know; but it is one thing to issue instructions, and another thing to see that those instructions are being carried out. I am asking whether those instructions are being carried out.

Sir Girja Shankar Bajpai: I did not know that my friend wanted to know whether the instructions were being carried out. I presume that, like the very efficient and loyal officer that he is, the Director is carrying out the instructions issued to him.

Mr. S. Satyamurti: May I draw my Honourable friend's attention to the fact that as a member of the Public Accounts Committee, I have often found that instructions issued from headquarters are not always carried out?

Sir Girja Shankar Bajpai: I am quite sure that this is an exception which will satisfy my Honourable friend.

IMPORT OF COTTON VESTS WITH COLLARS BY JAPAN AND GRANT OF PROTECTION TO THE INDIGENOUS HOSIERY INDUSTRIALISTS.

175. *Dr. Thein Maung: (a) With reference to the answer given in reply to the unstarred question No. 186 in the last Session of this House, regarding import of cotton vests with collars by Japan and grant of protection to the indigenous hosiery industrialists, will Government be pleased to state what action they have taken in the matter?

(b) Are Government aware that the manufacturers of sport-shirts in Japan are selling the same at a cheaper price than the under-vests made of the same kind of yarn?

The Honourable Sir Muhammad Zafrullah Khan: (a) The matter is still under consideration.

(b) Government have received representations to this effect.

Mr. S. Satyamurti: Will Government take prompt steps in view of the danger to the Indian industry?

The Honourable Sir Muhammad Zafrullah Khan: Government are pursuing the matter as rapidly as they can.

APPOINTMENT OF A BURMAN AS A PERMANENT CHIEF JUSTICE OF THE RANGOON HIGH COURT.

176. *Dr. Thein Maung: Is it a fact that a Burman Judge of the High Court of Judicature at Rangoon acted as Chief Justice and again in 1934 and 1935 when the permanent Chief Justice was away on leave? If so, are Government prepared to consider the desirability of recommending to His Majesty the appointment of a Burman Judge permanently as Chief Justice when the next vacancy occurs?

The Honourable Sir Henry Craik: I understand that a Burman Judge of the High Court acted as Chief Justice for short periods during 1934 and 1935. Permanent appointments to the High Court are made by His Majesty under section 101 of the Government of India Act, and the claims of Burmans will no doubt receive consideration along with those of persons belonging to other communities with due regard to the provisions of sub-section (4) of that section. The Government of India do not submit recommendations in regard to such appointments.

UNEMPLOYED ANGLO-BURMAN SEAMEN IN RANGOON.

177. *Dr. Thein Maung: (a) Are Government aware that there is a large number of unemployed Anglo-Burman seamen in Rangoon and that eighty per cent. of them are members of the Auxiliary Force?

(b) Are Government prepared to enquire into this matter and see what steps can be taken to give relief to unemployed Anglo-Burman seamen in Rangoon?

(c) Are Government prepared to take such steps as they can to find employment for Anglo-Burman seamen in the Royal Indian Navy as able-bodied seamen and engine-room hands?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government are informed that there are very few *bona fide* Anglo-Burman seamen in Rangoon, whether employed or unemployed, and that their number does not probably exceed 30.

(b) and (c). In view of the reply to part (a) Government do not consider there is any necessity for taking action on the lines suggested. There is even at present no bar to the recruitment of Anglo-Burmans in the Royal Indian Navy.

CONTINUOUS DISCHARGE CERTIFICATES ISSUED BY THE SHIPPING OFFICE IN RANGOON.

178. ***Dr. Thein Maung:** (a) Is it a fact that new continuous discharge certificates (nulis) have been issued by the Shipping Office in Rangoon after 18th June, 1934, the date on which the Government of India ordered that issues of such certificates should be discontinued? If so, will Government state under what circumstances such certificates were issued?

(b) Is it a fact that continuous discharge certificates have been refused to Anglo-Burmans desirous of going to sea, on the ground that these have been discontinued by the Government of India, and if so, will Government explain why a discrimination has been made between Anglo-Burmans and men of other nationalities?

The Honourable Sir Muhammad Zafrullah Khan: (a) The orders to which the Honourable Member refers did not discontinue the issue of Continuous Discharge Certificates, but restricted their issue to special cases; and it is in accordance with those orders that a few certificates have been issued since June, 1934.

(b) No discrimination has been made in this matter between Anglo-Burmans and other seamen.

RECRUITMENT OF CREWS IN RANGOON.

179. ***Dr. Thein Maung:** Is it a fact that crews are recruited in Rangoon by a person known as a Ghat Serang? If so, will Government state who appoints the Ghat Serang and whether the Ghat Serang receives through the Shipping Office or Shipping Companies remuneration for men recruited by him?

The Honourable Sir Muhammad Zafrullah Khan: The answer to the first part of the question is in the negative, and the latter, therefore, does not arise.

UNEMPLOYED SEAMEN IN BURMA.

180. ***Dr. Thein Maung:** Are unemployed seamen brought by certain shipping companies from Indian Ports to be recruited on steamers leaving Burma engaged on the foreign trade? If so, are Government prepared to look into the matter in order to relieve unemployment in Burma?

The Honourable Sir Muhammad Zafrullah Khan: Government understand that certain shipping companies engage crews in Calcutta to join their vessels at Rangoon. Unemployment amongst Indian seamen is far more serious at Calcutta than at Rangoon, and Government are not prepared to take any steps to interfere with the discretion of shipping companies in this matter.

EMPLOYMENT OF BURMANS AS CREWS.

181. ***Dr. Thein Maung:** Have certain shipping companies in Burma agreed to accept a percentage of Burmans as crew on their steamers? If so, will Government state whether they are prepared to induce these Companies also to employ a certain percentage of Anglo-Burmans on their steamers in the laundry or as general servants or in any other capacity?

The Honourable Sir Muhammad Zafrullah Khan: So far as Government are aware no shipping companies in Burma have agreed to accept a percentage of Burmans as crew on their steamers. The latter part of the question does not arise.

EXPENDITURE OF THE MILITARY ENGINEER SERVICES.

182. ***Mr. Akhil Chandra Datta:** (a) Will Government state what the total amount of estimate of costs of individual works and the total amount of actual expenditure incurred in the Military Engineer Services in the year 1933-34 was?

(b) What is the existing machinery for exercising financial control of the expenditure of the Military Engineer Services:

(i) before the expenditure is actually incurred; and

(ii) after the expenditure is actually incurred?

(c) Is it a fact that the existing machinery has been found to be not effective?

(d) Do Government propose to strengthen the financial control? If so, what are the measures in contemplation?

(e) Has any step been taken for having trained Works Accountants for Military Engineer Services?

Mr. G. R. F. Tottenham: (a) The figures were Rs. 110 and Rs. 131 lakhs, respectively.

(b) I would invite the Honourable Member's attention to the following paragraphs of the Regulations for the Military Engineer Services, 1933, a copy of which is in the Library:

For (i) paragraphs 24, 85, 111—114, 116, 119 and 120, and for (ii) paragraphs 123—126 and 142—146.

(c) No. In fact the existing machinery is the result of certain reforms carried out during the last few years and represents an improvement over the position as it existed before those reforms were undertaken.

(d) Government have no special measures under consideration at present in the case of Military Engineer Services expenditure. The measures recently taken in this connection included the curtailment of the powers of subordinate authorities in regard to reappropriation, and the more rigid definition of the objects on which the reserve may be utilized.

(e) A certain number of trained works accountants has always existed for dealing with this expenditure. I would also invite the Honourable Member's attention to paragraph 11 of Annexure 1 to the Report of the Military Accounts Committee on the Accounts of 1933-34.

UNEMPLOYMENT PROBLEM.

183. ***Mr. Akhu Chandra Datta:** (a) What is now the precise position of the unemployment problem in different provinces?

(b) Will Government be pleased to lay on the table a statement showing whether the number of the unemployed increased or decreased during the years 1930-34?

(c) Will Government be pleased to state their policy with regard to the unemployment problem? What steps, if any, have been actually taken during the five years mentioned in part (b) above.

The Honourable Sir Frank Noyce: (a) and (b). I would refer the Honourable Member to the answer given on the 11th September, 1935, to Mr. Asaf Ali's starred question No. 265.

(c) I invite the attention of the Honourable Member to the discussions on the subject in this House on the 30th January, 1934, the 6th February, 1934, the 13th February, 1935, and the 21st February, 1935, and in the Council of State on the 13th March, 1935.

Mr. S. Satyamurti: Apart from the numerous discussions to which my Honourable friend has referred, may I know what is the specific answer to the latter part of clause (c) of the question: "What steps, if any, have been actually taken during the five years mentioned in part (b) above"?

The Honourable Sir Frank Noyce: I would suggest to my Honourable friend that if he looks up the discussions on the subject, he will find an answer to his question.

Mr. S. Satyamurti: I have done it, but I find no steps have been taken, and I want to know if Government propose to take any steps for dealing with this problem. I find no steps have been taken.

The Honourable Sir Frank Noyce: That is a matter of opinion. My view is that steps have been taken and that those steps were fully explained.

Mr. S. Satyamurti: Will the Honourable Member try to recollect and give me one step taken to deal with this unemployment problem? Nothing doing!

Seth Govind Das: Do Government propose to take any further steps in this direction?

The Honourable Sir Frank Noyce: I have nothing to add to the statements that I have made from time to time on the floor of this House, except that, in regard to my Honourable friend's challenge, I would mention the stores purchase policy and the fiscal policy of the Government of India.

SHORT NOTICE QUESTION AND ANSWER.

PROVISION IN THE DRAFT ORDER IN COUNCIL FOR GIVING ORISSA PROPORTIONAL SHARES IN THE PROVINCIAL BALANCES AND FAMINE RELIEF FUNDS.

Pandit Nilakantha Das: (a) Will Government be pleased to state whether there is any provision in the draft Order in Council for giving Orissa proportionate shares in the Provincial balances and Famine Relief Funds of Madras, Bihar and Orissa, and the Central Provinces, out of which the new Province is being created? If not, why not?

(b) Do Government propose to take immediate and effective measures to secure such provision in the draft Order in Council? If not, why not?

The Honourable Sir James Grigg: (a) No—but on the other hand Orissa is to get concessions in other directions, e.g., in having to bear a smaller proportion of the pensionary charges of Madras and Bihar than she might have expected.

(b) In view of the answer to (a) this does not arise.

DISCUSSION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

Mr. S. Satyamurti: With your permission, Sir, may I ask the Leader of the House now whether he proposes to give an early chance to the House to discuss the report of the Public Accounts Committee? The Honourable the Finance Member suggested to me to put the question to the Honourable the Leader of the House who was not here then, and may I have your permission to put the question to the Leader of the House now?

The Honourable Sir Nripendra Sircar (Leader of the House): I shall be making a statement at the end of the day about the course of business, and I hope to be able to answer my Honourable friend's question then.

THE PAYMENT OF WAGES BILL.

Mr. President (The Honourable Sir Abdur Rahim): Before the House proceeds to the Payment of Wages Bill, the Chair would just like to make clear the procedure that is followed in this House for dealing with amendments, because, apparently, there was some misunderstanding yesterday. When a clause of a Bill is called, amendments have to be dealt with first, and it is for those Honourable Members, who have given notice of amendments, to move them if they wish to do so. The Chair generally calls the

[Mr. President.]

Members who have given notice, but there is no obligation on the Chair to do so, and it is the responsibility of the Honourable Member who has given notice of any amendment to bring it to the notice of the Chair and move it if it is in order.

The Chair thinks Mr. Clow wanted to move some amendment with regard to clause 2.

Mr. A. G. Clow (Secretary, Department of Industries and Labour): Sir, I have already moved this amendment, but for the convenience of the House, if you have no objection, I shall read it again. It runs as follows:

"That after sub-clause (ii) of clause 2, the following sub-clause be added, namely:

'(iii) 'plantation' means any estate which is maintained for the purpose of growing cinchona, rubber, coffee or tea, and on which twenty-five or more persons are employed for that purpose'

and that the remaining sub-clauses be re-numbered accordingly."

This is an amendment designed to meet the difficulty brought forward by Mr. Ghansham Singh Gupta, and I hope it is adequate for the purpose. I have nothing to add to what was said on the previous day.

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

"That after sub-clause (ii) of clause 2, the following sub-clause be added, namely:

'(ii) 'plantation' means any estate which is maintained for the purpose of growing cinchona, rubber, coffee or tea, and on which twenty-five or more persons are employed for that purpose'

and that the remaining sub-clauses be re-numbered accordingly."

Mr. J. A. Milligan (Bengal: European): Sir, I request the Honourable Member in charge of this Bill to tell us whether he has considered the effect of certain correspondence which has been going on between plantation industries and the Commerce Department with regard to amending the terms of the Workmen's Compensation Act in this respect before adopting the definition of the Workmen's Compensation Act as it stands. Some apprehension has been expressed in a telegram addressed to me by the Indian Tea Association that an anomalous situation may be created by adopting this definition. I admit quite frankly that I myself cannot see the difficulty, but I would ask my Honourable friend, Mr. Clow, whether he has actually looked into this and if he thinks there is any difficulty.

Mr. A. G. Clow: I have looked into the matter; in fact, it is under our consideration at present. I quite see the point of the argument that there might be an anomaly in the Workmen's Compensation Act, though I should not personally concede that. But in the present connection I agree with my Honourable friend, for I do not see how it arises here.

Mr. J. A. Milligan: Thank you very much.

Mr. N. M. Joshi (Nominated Non-Official): Mr. President, on the previous occasion, when Government expressed their intention of bringing forward this amendment, I gave them notice that I would move an amendment to the amendment, and the amendment is a very simple one.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has not given any notice.

Mr. N. M. Joshi: I got this amendment only this morning. My amendment is a simple one in regard to which I gave notice to the whole House.

Mr. President (The Honourable Sir Abdur Rahim): Even then the Honourable Member must give notice and the Chair must have the amendment before it. Otherwise, the Chair is not going to deal with it.

Mr. N. M. Joshi: I got this amendment only this morning.

Secretary of the Assembly: No, Sir. It was circulated on the 5th February.

Mr. President (The Honourable Sir Abdur Rahim): If it is a substantial amendment, I cannot accept it now.

Mr. N. M. Joshi: No, Sir. It is a very simple one.

Mr. President (The Honourable Sir Abdur Rahim): Is it a formal amendment?

The Honourable Sir Frank Noyce (Member for Industries and Labour): No, Sir. It is definitely an amendment of substance, and not of form.

Mr. N. M. Joshi: When the Government of India are applying this Bill to tea, cinchona and rubber plantations, the addition of the word "sugar" is not going to be a substantial amendment.

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot allow it.

Mr. N. M. Joshi: The workers on the sugar plantations will suffer very much on account of this, but I will try to move this at some other stage.

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

"That after sub-clause (ii) of clause 2, the following sub-clause be added, namely:

'(iii) 'plantation' means any estate which is maintained for the purpose of growing cinchona, rubber, coffee or tea, and on which twenty-five or more persons are employed for that purpose'

and that the remaining sub-clauses be re-numbered accordingly."

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 8 stand part of the Bill."

Mr. N. M. Joshi: Sir, I move:

"That in sub-clause (3) of clause 8 of the Bill, after the word 'showing' the words 'either himself or through a representative including an officer of the Trade Union of which he is a member' be inserted."

Sub-clause (3) of clause 8 provides that no fine shall be imposed on any employed person until he has been given an opportunity of showing cause against the fine, or otherwise than in accordance with such procedure as may be prescribed for the imposition of fines. The intention of this sub-clause is to give an opportunity to the employee on whom a fine is to be imposed of showing cause why the fine should not be imposed. My amendment provides that when an employee is asked to show cause why a fine should not be imposed he should either himself do it if he is an able man or he should be allowed to show cause through a representative, including an official of a trade union of which that employee is a member.

Sardar Sant Singh (West Punjab: Sikh): Why not through a lawyer?

Mr. N. M. Joshi: In order to allay the fears of my lawyer friends, let me tell them that my amendment does not preclude the appointment of lawyers at all. I do not say that a lawyer should not be a representative. I am not against lawyers but, unfortunately, lawyers sometimes try to monopolise all the representative character to themselves. That is exactly what I want to avoid. If an employee has got more confidence in a lawyer than in a trade union official, he is free to employ the lawyer. The reason why I move this amendment is this. The employees in the factories, mines and various industries to whom this Bill applies are at present ignorant, illiterate and poor. They are not able to represent their own case, especially when they have to prove why a fine should not be imposed under such a complicated measure as this. I claim I have got some education. I spent four years at a university but I tell you frankly that I find it difficult to understand this measure, although I have spent months and months over it. It is not an easy piece of legislation and if you expect an ordinary, illiterate worker to be able to show cause why a fine should not be imposed under this clause, you are expecting too much from him and you are not quite fair to him. I, therefore, feel that my amendment should be accepted by this House.

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

"That in sub-clause (3) of clause 8 of the Bill, after the word 'showing' the words 'either himself or through a representative including an officer of the Trade Union of which he is a member' be inserted."

Mr. V. V. Giri (Ganjam cum Vizagapatam: Non-Muhammadan Rural): The Government of India often assert their sympathy for genuine trade union movement and they always say that they desire to foster it. While I was speaking the other day about the payment of wages to a worker on the day of the termination of service my Honourable friend, Mr. Clow, for my edification, referred to the views of the Royal Commission on Labour of which he was a distinguished member, which opposed my view

on that amendment. With equal grace but with greater force, I would like to refer for the edification of Mr. Clow what the Royal Commissioners—he was one of them—stated with reference to the fostering of the trade union movement in India. I would like to refer to one or two passages on pages 322 and 323 of their Report. Speaking about the need for the development of the trade union movement they have stated as follows:

"Nor is labour the only party that will benefit from a sound development of the trade union movement. Employers and the public generally should welcome its growth. It would be foolish to pretend that in present conditions particular employers in particular centres cannot gain an advantage by thwarting and repressing attempts to organise and all employers are bound to find, on occasion, that the organisation of their men limits their power. But whilst the advantages to be gained from repression are temporary and precarious, those that accrue from healthy organisation are lasting. . . . If that response does not take the form of a properly organised trade union movement, it may assume a more dangerous form. Some employers have already suffered severely from the lack of responsible trade unions of their workers and this type of suffering extends to the community as a whole."

Later on, they have stated:

"We would urge that the repression of trade unions because of unhealthy tendencies is unlikely to produce a healthy growth. A movement which is facing so many difficulties cannot be expected to begin at the stage achieved in other countries through long experience and after many vicissitudes. Responsibility can only be developed by power and by experience. If relationships and co-operation are to be withheld until individual unions, or the movement generally, attain vigorous health, that stage is likely to be long deferred."

The amendment does not demand of the Government anything else except that when a worker is fined he should be given an opportunity to explain his charge, and if he so desires, that he should be allowed to be represented by a representative of the trade union of which he is a member. Generally, Sir, these fines are the result of acts of commission and omission on the part of the supervising staff in many of the workshops and factories in India, and these fines will result in a great deal of discontent on the part of the workers which might sometimes lead to worse results such as strikes, and it is in its own interest to see that the employee is given every opportunity to place before the employer his grievances in respect of any matter involving the payment of fines by himself. Not only that, it is such a trivial matter, and I do not see any reason why Government should be anxious to avoid an amendment of this character. It brings the trade union movement and the industry concerned together as part of a joint machinery as a result of which greater peace and happiness will be brought into the industry. I would now like to refer to the opinions and views of the Royal Commissioners on Labour with respect to railways. At page 162 speaking about discharges and dismissals, they have stated:

"If the employee so elects, he should be entitled to be accompanied by a representative of an accredited trade union of which he is a member."

Later on, in the case of fines they have stated as follows:

"If it is then necessary to take disciplinary action, such as reduction of grade, stoppage of increment or privileges or a fine, an order should be issued accordingly, but the employee should have the right of appeal to his district or divisional officer and be allowed the same facilities for representation at the hearing as have been indicated above."

[Mr. V. V. Giri.]

This will test, Sir, the *bona fides* of the Government of India as regards their genuine desire to foster the growth of a genuine trade unionism in this country. With these words, Sir, I strongly support the amendment of my Honourable friend, Mr. Joshi.

Mr. J. A. Milligan: Sir, I have no intention to utter any word in opposition to the principles so ably put forward by Mr. Giri with regard to the desirability of developing the trade union movement. But surely, Sir, to introduce these principles in connection with this amendment is to raise the matter on to altogether too high a plane. Sir, the imposition of a fine is not the complicated business which Mr. Joshi suggests. Clause 8(1) states perfectly clearly that:

"No fine shall be imposed on any employed person save in respect of such acts and omissions on his part as the employer, with the previous approval of the Local Government or of the prescribed authority, may have specified by notice under sub-section (2)."

So that it is perfectly clear to every employed person for what acts they are liable to be fined. At this stage, to allow a lawyer or a trade union official to appear is going to convert every act of fining whether it be a serious or perfectly trivial into a judicial proceeding. It ignores the relief which is given under clause 15 wherein, if it is claimed that a deduction has been made contrary to this Act, it is definitely laid down that the person himself or any legal practitioner or any official of a registered trade union, authorised in writing to act on his behalf, may appear before the authority appointed to hear his appeal. In these circumstances, Sir, I submit that to complicate the business of making the mere imposition of a fine, which may be a very trivial one, into a judicial proceeding is entirely unnecessary. I oppose the amendment.

The Honourable Sir Frank Noyce: Sir, I really have very little to add to what my Honourable friend, Mr. Milligan, has said. The position is that Mr. Joshi, having been defeated on the general question of the imposition of fines, is seeking to achieve the same result by sapping and mining in every direction. The position, if the Bill becomes law, will be that fines will be reduced to very small dimensions; they can only be imposed for reasons of discipline; and the whole effect of the imposition of fines for disciplinary reason lies in prompt action. Is the employer to wait while the employee fined goes off to fetch his trade union representative? As Mr. Milligan has very rightly pointed out, a *quasi-judicial* proceeding is entirely inappropriate at this stage; the proper time for that is later on, and that answers Mr. Giri's point completely. We have recognized the position of the trade unions in this matter; they come in at a later stage. If there is any reason to believe that a fine has not been imposed in accordance with the provisions of this Act, then is the time for the representative of the trade union to come in and to be heard. For that we have made a provision in clause 15(2) of the Bill. For these reasons, Sir, I oppose the amendment.

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

"That in sub-clause (3) of clause 8 of the Bill, after the word 'showing' the words 'either himself or through a representative including an officer of the Trade Union of which he is a member' be inserted."

PAYMENT OF WAGES BILL.

The Assembly divided: Ayes 44, Noes 49.

AYES—44.

Abdul Matin Chaudhury, Mr.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Banerjee, Dr. P. N.
Bhagavan Das, Dr.
Chattopadhyaya, Mr. Amarendra
Nath.
Chettiar, Mr. T. S. Avinashilingam,
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Gadgil, Mr. N. V.
Gandhi, Mr. K. L.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Giri, Mr. V. V.
Govind Das, Seth.
Hans Raj, Raizada.
Hosmani, Mr. S. K.
Jogendra Singh, Sirdar.
Joshi, Mr. N. M.
Kailash Behari Lal, Babu.
Khan Sahib, Dr.
Khare, Dr. N. B.

Maitra, Pandit Lakshmi Kanta,
Mangal Singh, Sardar.
Mudaliar, Mr. C. N. Muthuranga.
Murtuza Sahib Bahadur, Maulvi
Syed.

Nageswara Rao, Mr. K.
Paliwal, Pandit Sri Krishna Dutta.
Pant, Pandit Govind Ballabh.
Raghunath Narayan Singh, Choudhri.

Rajan, Dr. T. S. S.
Raju, Mr. P. S. S. Kumaraswami
Satyamurti, Mr. S.
Sham Lal, Mr.
Shaukat Ali, Maulana.
Sheodass Daga, Seth.
Singh, Mr. Ram Narayan.
Sinha, Mr. Anugrah Narayan.
Sinha, Mr. Satya Narayan.
Sinha, Mr. Shri Krishna.
Som, Mr. Surya Kumar.
Thein Maung, Dr.
Varma, Mr. B. B.

NOES—49.

Acott, Mr. A. S. V.
Allah Bakhsh Khan Tiwana, Khan
Bahadur Nawab Malik.
Aminuddin, Mr. Saiyid.
Ayyar, Diwan Bahadur R. V.
Krishna.
Ayyar, Rao Bahadur A. A.
Venkatarama.
Badrul Hasan, Maulvi.
Bajpai, Sir Girja Shankar.
Bhagchand Soni, Rai Bahadur Seth.
Buss, Mr. L. C.
Clow, Mr. A. G.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Das-Gupta, Mr. S. K.
Dash, Mr. A. J.
Dow, Mr. H.
Essak Sait, Mr. H. A. Sathar H.
Griggs, The Honourable Sir James.
Grigson, Mr. W. V.
Hands, Mr. A. S.
Hudson, Sir Leslie.
Hutton, Dr. J. H.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur
Sardar Sir.
Jehangir, Sir Cowasji.
Khuram Muhammad, Khan Bahadur
Shah.

Lal Chand, Captain Rao Bahadur
Chaudhri.

Leach, Mr. F. B.
Lloyd, Mr. A. H.
MacDougall, Mr. R. M.
Metcalfe, Sir Aubrey.
Milligan, Mr. J. A.
Mody, Sir H. W. H. D. M.
Morgan, Mr. G.
Mukherjee, Rai Bahadur Sir Satya
Charan.

Noyce, The Honourable Sir Frank.
Rajah, Rao Bahadur M. C.
Rau, Mr. P. R.
Sale, Mr. J. E.
Sarma, Mr. R. S.
Scott, Mr. J. Ramsay.
Singh, Rai Bahadur Shyam Narayan.
Sircar, The Honourable Sir
Nripendra.

Spence, Mr. G. H.
Tottenham, Mr. G. R. F.
Visvanji, Mr. Mathuradas.
Witherington, Mr. C. H.
Yakub, Sir Muhammad.
Yamin Khan, Sir Muhammad.
Zafarullah Khan, The Honourable Sir
Muhammad.

The motion was negatived.

[7TH FEB. 1936.]

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

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

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. President (The Honourable Sir Abdur Rahim) in the Chair.

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

"That clause 9 stand part of the Bill."

Mr. A. G. Clow: Sir, I beg to move:

"That in sub-clause (1) of clause 9 of the Bill, for the word 'premises' the words 'place or places' be substituted."

This is a purely formal amendment. We were told that there were some doubts as to the meaning of "premises" and that it might possibly be interpreted as relating only to buildings. In any case the word "premises" is rather unsuitable as the description of a railway line which might extend to several hundred miles.

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

"That in sub-clause (1) of clause 9 of the Bill, for the word 'premises' the words 'place or places' be substituted."

The motion was adopted.

Mr. C. H. Witherington (Assam: European): Sir, I move:

"That to sub-clause (2) of clause 9 of the Bill, the following proviso be added:

'Provided that in the case of lateness the amount of such deduction shall not exceed one quarter of a day's pay'."

The object of this amendment, Sir, is to make it clear that lateness comes within the meaning of the term "absence from duty". It is not clear in the Bill that absence from duty covers this point. It is well known, Sir, that unpunctuality is a source of great interference in the smooth running and efficiency of a factory. For example, in factories where shifts or gangs of work-people are employed, the late arrival of one member of the gang might hold up the work of several work-people; or it would keep idle the machine which he might be working. Unpunctuality presents a difficult problem for the employer and the only feasible method of controlling the practice is in my opinion to provide the employer with the power to impose a penalty which will work regularly and automatically and which will serve as a deterrent. Generally the practice in England, Sir, is that a man loses a quarter of a day's pay if he arrives late for his work. This is a fair method of dealing with habitual unpunctuality and of encouraging better time keeping. "Deduction for

"absence from duty" which is allowed for in clause 9 of this Bill is a natural safeguard to the employer for ordinary non-attendance at work. But I contend that lateness or unpunctuality in arriving at work is in a different category. It is a mischief and a nuisance, and it is in order to bring lateness into the terms of the Bill and to provide a recognised penalty to counteract it that the amendment is moved. Sir, the day before yesterday my Honourable friend, Mr. Joshi, gave it as his opinion that the better method of encouraging good attendance at work, and so forth, was by personal example and kindness rather than by the imposition of fines. That, Sir, in a small factory might well serve its purpose where the manager is in close personal contact with every one of his employees. As my Honourable friend, Sir Cowasji Jehangir, pointed out on Wednesday, labour forces in this country are generally on a much larger scale as regards numbers than labour forces in England. I think when Mr. Joshi was referring to kindness and personal example, he was really referring to the extract which he read from reports of Cadbury's Chocolate works in England. But I cannot believe, Sir, that a manager of a large labour force in this country where the numbers are so high could, by his personal example, encourage his workpeople to keep better time. Unless it is made clear in the Bill that lateness is punishable and that it is an offence and that there is a recognised penalty to counteract it, it appears that the only course open to an employer is to take the extreme step of dismissing the habitual offender. Surely this is a regrettable alternative to having an authorised deterrent in the Bill itself.

Sir, I move.

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

"That to sub-clause (2) of clause 9 of the Bill, the following proviso be added:

'Provided that in the case of lateness the amount of such deduction shall not exceed one quarter of a day's pay'."

Mr. N. M. Joshi: Sir, I understand from the speech of the Honourable the Mover the object of the amendment, but at the same time, I am not very clear in my mind as to how the drafting of this amendment clearly brings out his object. However, I am not concerned with the drafting at all, and I think the drafting will take care of itself. So far as his object is concerned, I feel that his amendment is not one which this House should support. What sub-clause (2) of clause 9 provides is, that the fine imposed for lateness should be proportionate to the lateness itself. If a man is five minutes late, his fine will be proportionately less than if a man is ten minutes late. I think that is a reasonable proposal if there is going to be any fine for lateness. If the clause remains as it is and the amendment is not carried, the employer himself will to some extent be inconvenienced because in some cases the fine may be even more than one quarter of a day's pay; but it seems that the employers are willing to take that risk. Perhaps they have got other remedies for a man who comes late, say, in the afternoon; they may dismiss the man or do something else. So far as I can think of, the effect of this will be that the man will be unnecessarily penalized for a very short absence of two or five minutes by a very heavy fine of say, eight annas, four annas or at least two annas.

[Mr. N. M. Joshi.]

As regards the general effect of the system of fining, Mr. Witherington said that the employer could maintain discipline by his own example or by supervision or by guidance or by sympathy in a small factory. But when a factory is a big factory, the employer cannot remain in touch with his men. I know that under modern industrial conditions the employer hardly sees the face of his employee. He does not care to remain in touch with the men. He appoints a manager, the manager appoints a sub-manager, the sub-manager appoints an overseer, the overseer appoints a sub-overseer, and nobody knows what happens to the employee. It is not a right system. If in a factory there is nobody to supervise properly and show by his own example what proper discipline is, that factory deserves to be shut up. It may be a very large factory, but you have to provide for proper supervision and guidance. I feel that those who are in charge of large factories fail to do their duty if they do not provide for a proper kind of supervision and guidance to their employees. Sir, I oppose this amendment.

Mr. J. A. Milligan: Sir, the point of this amendment is as to whether the expression "absence from duty" contained in the Act does or does not cover unpunctuality. The fact that unpunctuality is a very troublesome thing, I think, is unquestionable. Amongst other evils which arise from unpunctuality is the fact that it very often affects the earnings of other workmen. If a whole shift is delayed by the absence of one man, the earnings of the remainder who have been punctual are affected. It, therefore, seems only right—and it is not only in India that this question arises, it is a recognized thing—that unpunctuality should be a punishable offence. If we are satisfied that the wording of the Act as it stands does cover and include unpunctuality and that fines may be automatically levied under section 9 or otherwise for unpunctuality, the amendment loses much of its force. That, Sir, is the point.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): There is just one point that has struck us, and it is the distinction between lateness and non-attendance. If a man comes three-quarters of an hour late, in some factories his place may be filled by a *badli*, but this amendment means that three-fourths of a day's wage will have to be paid to the man for doing no work for the rest of the day. What will be the interpretation of this amendment? We get rather confused between non-attendance and lateness.

Mr. N. M. Joshi: He will have to pay.

Sir Cowasji Jehangir: According to this amendment one would have to pay.

Mr. N. M. Joshi: Certainly.

Sir Cowasji Jehangir: Very often it happens in Bombay that when a man comes three-quarters of an hour late, his place is taken by a man who is waiting for a job. He walks into his shoes as a *badli* for the day.

Mr. J. A. Milligan: There are other cases where a *badli* is not engaged.

Sir Cowasji Jehangir: The next man carries on. But he can carry on for five minutes or for ten minutes, not for the whole day. You wait for a certain amount of time, and if a *badli* is available, the *badli* takes his place. A good many *badlis* are now available. There were times when *badlis* were not obtainable; then others carried on. But when *badlis* are available, they take the place of the man who is absent for three-quarters of an hour. If the interpretation of this amendment is that although a *badli* has been employed the man will have to be paid three-fourths of the day's wage, it may be unfair to the employer. I simply point this out to show that while for some industries this may be a very reasonable amendment, for other industries it may be a hardship. Also it is an encouragement to being late; however late the man is, you have got to pay him three-fourths of a day's wage. It may tend to be an encouragement to be late if you definitely specify in the Bill that although a man may be as late as he likes he has to get three-fourths of a day's wage.

Mr. C. H. Witherington: May I make a personal explanation? The intention of the amendment which I have moved is that there should be a difference between "lateness" and "absence from work". I think the Honourable Sir Cowasji said that if a man came late and did quarter of a day's work he would be entitled to three-fourths of the day's wage. That is not the intention of the amendment at all. The intention underlying the amendment is that if a man is for example half an hour late he is liable to a deduction of his wages not exceeding one quarter of a day's pay. But if a man is half a day or three-fourths of a day late, surely he comes under the provisions of section 9(2) of the Bill.

The Honourable Sir Frank Noyce: Sir, following precedent, I should like to express my appreciation of my Honourable friend, Mr. Witherington's maiden speech in this House. It is true that it has been on a somewhat unimportant issue, but it promises, I venture to think, valuable help in our discussions at some later date. As has been already pointed out, this amendment is ill-conceived. It would have entirely the opposite effect to that which it is intended to have. It is, I gather, intended to enlarge the extent of deductions for late arrival, but that is exactly the effect it would not have. As Sir Cowasji Jehangir has pointed out, if this amendment were accepted, and a man were to arrive three-quarters of a day late, all you can take from his wages is a quarter of a day's pay. I am quite sure that is not what my Honourable friends want, but that is what they will get if this amendment were carried. It would hamper them very definitely. It would hamper them in that it would mean that lateness could only be punished under this particular clause. As the Bill stands at present, lateness can be punished in either of two ways. I can assure my Honourable friends, and I think it will re-assure them, that lateness is absence from duty. I have the authority of my Honourable Colleague, the Law Member, for that statement. That being so, and lateness being absence from duty, it can be punished in either of two ways.

[Sir Frank Noyce.]

You can either punish it under this clause 9(2)—you can deduct from the man's pay a proportionate sum for the amount of time he is late: in that case the deduction goes to the employer; or you can fine him, in which case he can be fined up to 1/32nd of his monthly wages which, in most cases, would be more than the time lost. In that case the fine goes to a fund to be utilised for the benefit of the employees. Lateness can be dealt with under the provisions of the Bill quite sufficiently, I submit, in those two ways and there is no necessity for any further provision on the point. I, therefore, oppose the amendment.

Mr. O. H. Witherington: Sir, in view of the assurance given by the Honourable Member in charge of the Bill, I beg leave of the House to withdraw the amendment.

The amendment was, by leave of the Assembly, withdrawn.

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): Mr. President, I beg to move:

"That to sub-clause (2) of clause 9 of the Bill, the following proviso be added:

"Provided that, subject to any rules made in this behalf by the Local Government, if ten or more employed persons acting in concert absent themselves without due notice or reasonable cause, such deduction from any such person may include such amount, not exceeding his wages for 13 days as may under his contract of employment be due to the employer in lieu of notice."

My amendment seeks to remove a serious disability which industrial employers in India would suffer if the Bill were to be enacted into law in the form in which it has emerged from the Select Committee. The present position, it is a position which has existed for a great number of years, is that both employer and employee have got to give notice of termination of employment. If the employer fails to give notice he has to pay the amount which is specified in the contract in lieu of notice. If, on the other hand, the employee leaves without notice, he forfeits his wages for the number of days which are specified in his contract of employment.

Mr. N. M. Joshi: If there is a contract.

Sir H. P. Mody: If there is a contract; and also, under the common law. Now, the way in which these deductions are made, so far as the employers are concerned, is that, whenever an employee leaves without notice, the wages due to him are paid minus the amount which is due to the employer on account of no notice having been given. The Bill which we are considering seeks to do away with that provision. The result will be that the employer would be absolutely without any remedy in case the employee leaves without notice, no matter what the terms of the contract may be. I leave out the individual employee from my consideration. I will deal only with cases which really concern the industrialists very seriously, namely, cases in which large bodies of men have struck work without notice. If this Bill were to be enacted into

law, what would happen in the case of factory hands going on strike would be that the employer would be forced to pay the wages due to them, and for recovery of the amount due to the employer, because no notice has been given, he would have to file suits in the proper Courts of law against, say, a thousand or two thousand workmen, whatever the number may be which may be affected by a strike. That is an impossible position and it is tantamount to the denial of the rights of the employer. The whole position was very carefully considered in 1928. A disastrous strike took place in Bombay, and the Government of Bombay appointed a committee presided over by a High Court Judge, and having another ex-Judge as one of its members. That committee went fully into the position, more particularly with regard to this clause. I may say in passing, that both sides, namely, the industrialists as well as the labourers, were adequately represented before this inquiry. All the trade unions were associated together for the purpose of presentation of the case of labour before this committee, and unless I am mistaken, both sides had also the benefit of legal advice. After an exhaustive review of the whole position, this is what the Fawcett Committee decided:

"Treating the clause, therefore, as a legal one, the question of its fairness and advisability has to be next considered. The Joint Strike Committee's written statement says"—(and this is a quotation from the representation made by my Honourable friend, Mr. Joshi, and those who were associated with him):

"If the employer dismisses an employee without notice and does not pay for want of notice, the employee has to go to court. Similarly the employer should go to court if the employee does not give notice or he may compel the employees to go to court, as the employer generally does, by withholding the wages earned."

"We do not, however, accept this view as a reasonable one. If it is justifiable that the employer should have the power of forfeiting the whole or part of the employee's wages, we do not think that he should be compelled to go to court to enforce the forfeiture. This would mean virtual denial of the right in all cases where the employee disappeared and could not be traced after receiving his full wages, and the employer would probably find it difficult to recover the amount forfeited even when he had obtained a decree."

"In all the circumstances, we are of opinion that it is reasonable that there should be this power of forfeiture allowed under the Standing Orders."

The appropriate Standing Orders were subsequently framed and have been acted upon; and I do not know that there has been any serious complaint as to the way in which the provision has been enforced. This was the view of a very responsible committee, and I submit that such a provision is absolutely essential if the scales are to be held even between the employer and the workman.

But, added point to my remarks has been lent in the course of the last two days by the amendment which my friend, Mr. Clow, moved, and which was accepted by this House without any comment or opposition. That amendment of Mr. Clow lays down that where an employer dismisses a workman without giving him notice, then he has got to pay the workman not only the wages which are due to him, but also the amount due to the workman in lieu of notice, and that the workman should not be compelled to go to a Court of law to enforce his claim. I ask whether, in view of this provision which this House accepted only two days ago, it would lie in the mouth of any one here to say that what I am now asking for is unreasonable. I say that I am asking the House to accept the principle of reciprocity.

[Mr. N. V. Gadgil.]

not one, because the individuals have been excepted in the amendment,—but if ten or more people leave in concert, then automatically the power is available for the employer to have recourse to forfeiture. I submit that resort to lightning strikes is a right which the workers have earned at a very great price, and it is just this right that this amendment seeks to take away. If the employers are not reasonable enough, if they are not open to negotiations in matters which may be important and urgent, then the only remedy available is a lightning strike

Sir H. P. Mody: I said without reasonable cause, but there are other safeguards as well.

Mr. N. V. Gadgil: Well, the amendment does contain the words reasonable cause but what are its implications? After all, this amendment will invest the employers with the power to declare that ten people or more have concerted and that they have no reasonable cause.

The employers have to pronounce and decide upon the reasonable cause, just as the Government pronounces and declares certain associations and bodies as unlawful assemblies. The decision of the employers is not subject to any judicial proceedings; they have simply to declare and say that ten or more people have concerted. I submit, Sir, the employers are indirectly seeking to take away the right to strike which has been established by the labourers over a long period. That is really the object of this amendment.

It was pointed out by my Honourable friend, the Mover, that this question was gone into in great details by the Fawcett Committee, but the exact recommendation that was made by the Fawcett Committee has not been incorporated in this amendment. That recommendation had some salutary provisions as well. I will just read the recommendation:

"If any permanent operative leaves without notice, he shall be liable to forfeit by way of liquidated damages at the discretion of the Manager the whole or part of the wages due to him for the 14 days immediately prior to his so leaving provided that no such order of forfeiture shall be passed without giving the operative an opportunity of being heard, if he is present or his attendance can be procured without undue difficulty."

That proviso is also not to be found in the amendment. On the question of notice there is a difference of opinion. The Royal Commission on Labour has recommended that there should be a notice of seven days. The Joint Strike Committee has recommended that there should be a notice of twenty-four hours. So, without prejudice to what I have said on the merits, unless we have some idea about due notice, it is impossible to say one way or the other about the utility of this amendment. The safeguard that was pointed out by the Honourable the Mover of the amendment was that there would be rules framed by the Local Government. But the Local Government may not make the rules; it is not obligatory on them to frame rules, and if no rules are framed, the amendment would be part of the law, and in that case the employer would be in a legitimate position to declare that the particular strike is unreasonable and without due notice. For all these reasons, the real idea of the amendment being to take away the right to strike, I oppose this amendment.

The Honourable Sir Frank Noyce: My Honourable friend, Mr. Joshi, is lying in wait for me. (Laughter.) However, if he prefers the tender mercies of Mr. Clow to mine, I can assure him that he is welcome to them. He will get them later on in full measure. It is due to the House, I think, that I should explain briefly the reasons for which Government propose to accept this amendment. One of the advantages of delaying the further consideration of this Bill from the September Session to the present Session has been that it has enabled us to consider more fully the various points which have arisen, of which this is one, and that we have been able to obtain the views of the Local Government of Bombay on this proposal. That is my first reason, and also my strongest reason, for accepting this amendment. The Government of Bombay, unfortunately for them, have had more prolonged and unhappy experience of lightning and other strikes than any other Government in India, and as the result of that experience their views on this point are generally in agreement with those that have been expressed by my Honourable friend, Sir Homi Mody. They think that, if this amendment is accepted, it would strengthen the hands of their Labour Officer in getting the conciliation machinery going and would thereby help to prevent lightning strikes, whilst at the same time ensuring that the grievances of the workers were looked into. The argument that has been brought forward by my Honourable friend, Mr. Gadgil, against the amendment is this. He admits the principle that if an employer dismisses a workman without reasonable cause or without due notice he is bound to pay him the full amount due to him in lieu of notice. But though he accepts this position in the case of the workman, he says that it should not be accepted in the case of the employer, because the two are not on equal terms. That I know is the point of view which will be brought forward by my Honourable friend, Mr. Joshi. He will say that what is good for the workman is far too good for the employer.

Mr. N. M. Joshi: I do not accept that there is even equality here.

The Honourable Sir Frank Noyce: I am not saying that there is equality. I am prepared to agree that the employer is in a far stronger position than the workman. Of course, he is. 3 P.M. As Mr. Gadgil said, he is better organised, he has got greater resources, and it is for that reason that we are not proposing by accepting this amendment to put him on the same terms as the workman. The Government of Bombay consider that there must be something more than an undertaking by the employer not to use the power the amendment would give harshly. My Honourable friend, the Mover of this amendment, has accepted that view and he has introduced three safeguards. Let me repeat what they are. His first safeguard is to forego recoveries in the case of individuals. It is not proposed to use this power in the case of individuals. It is only proposed to use it when ten or more workpeople are acting in concert, in other words, when there is a lightning strike. He has also inserted the words "reasonable cause". It has to be established that these ten or more persons are acting in concert and absented themselves without due notice or reasonable cause. That is the second of the safeguards. The third is to make the power subject to rules made by the Local Government. My Honourable friend, Mr. Gadgil, doubts whether Local Governments would frame any rules. But I can assure him that they will and that we shall ask them to do so.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Is it 'or' or 'and'? There may be a notice and still there may not be a reasonable cause. Is that the meaning?

The Honourable Sir Frank Noyce: I do not quite follow my Honourable friend.

Mr. N. M. Joshi: Without notice or reasonable cause may imply that there may be notice and yet the notice may not be justified.

The Honourable Sir Frank Noyce: I think my Honourable friend had better raise the point subsequently when we will endeavour to answer it. What I would submit to the House is that in making similar provisions for both the workman and the employer we are endeavouring to ensure that both of them have time to think. In depriving the employer of the power to dismiss his workpeople without due notice, or rather if he does dismiss them without due notice, in making him pay for the period for which notice should have been given we are making him think twice before he acts. In the same way, the object of Government in supporting this amendment is to make sure that the workpeople think again before they act. We want them to think, to realise that if they go off on a lightning strike, it means a considerable pecuniary punishment to them. There is nothing like making people think when they are engaged in a fight. I am one of those who believe that in the industrial world, no less than in the national world, the mere postponement of a fight is almost always a solid gain. Much may happen in a pause, however brief, and it is for that reason that Government support this amendment. We hope that it will improve the prospects of industrial peace all round. We hope that the delay which will be caused by the workmen thinking again before they go on strike will enable Government to step in, get their conciliation machinery working and make a strike avoidable. I cannot understand how anybody, who knows anything about experience in Bombay or elsewhere for that matter, who knows the distress caused by general strikes, the effect on the workpeople, the effect on trade,—effects which last for months—can oppose any suggestion that will obviate those effects. My Honourable friend, Mr. Gadgil, talked about the right of the workpeople to strike, the right to go on a lightning strike. I know no such right. It certainly is not a legal right. The lightning strike, to the best of my research and of such small legal knowledge as I possess, is a tortious act. Whether it is a right or whether it is not, it is not conducive to peace or prosperity. I trust, Sir, I have given sufficient reasons why Government are prepared to accept this amendment.

Mr. N. M. Joshi: Mr. President, I assure the Honourable Member in charge of the Department of Industries and Labour that, in waiting to hear him first, I had no evil motive in my mind.

The Honourable Sir Frank Noyce: I never at any time suggested that my Honourable friend had any evil motive.

Mr. N. M. Joshi: I am always afraid of the speeches of the Honourable Member and equally afraid of the speeches of his very able Secretary. I wanted, Mr. President, to know what attitude Government proposes to take on this amendment. The Honourable Sir Frank Noyce had been telling us for some time that he stands for the Report of the Select Committee.

The Honourable Sir Frank Noyce: May I rise to a point of personal explanation. I had not intended to enlarge on the point mentioned by Mr. Joshi, but, as my Honourable friend has raised it, I feel that an explanation is due to the House. I have never said that I stood by the Select Committee's report on every detail of this Bill. The position of a Government Member in regard to Bills which have been through a Select Committee is a somewhat peculiar one. I have not yet found any definite ruling as to what attitude the Government Member should adopt. I do not think it has ever been held by any section of this House that the Member in charge of a Bill is bound down to every jot and tittle of the Bill as it has emerged from the Select Committee, even if he signed the report. I think he should,—and that is what I have done,—adhere to the Report of the Select Committee unless there is very good reason for his departing from it and in this case I submit to the House there has been very good reason for departing from it. As I said, we have had considerable time for further consideration of this Bill since it last came before the House. When in such circumstances a good case can be shown for alteration of a Bill, I think it is the duty of Government to try to present the Bill to the House in a fashion in which they think it will work. I hold that in this case the Government are justified in accepting this amendment, even if it has not met with the approval of the Select Committee and even if it introduces an amendment of substance.

Mr. N. M. Joshi: By mentioning the Honourable Member's professed intention to stand by the Report of the Select Committee I did not intend to challenge his right to accept or not to accept any amendments even beyond the Report of the Select Committee. What I intended to say was that in the first place I was anxious to know what the attitude of the Government was; and as the Government had opposed a kind of proposal made by Sir Hormasji Mody on this question in the Select Committee it was quite natural that I should now try to find out what their attitude is. Of course, I do not agree with the Honourable Member that the amendment moved by Sir H. Mody today is a slight amendment or one of very small importance.

The Honourable Sir Frank Noyce: I never said that this is an amendment of slight importance. I have never minimised the importance of it.

Mr. N. M. Joshi: It is an amendment fraught with very grave consequences to the working classes of this country. Before I deal with the general question involved I would like to deal with one argument which seems to have impressed some Members of this Assembly that what Sir H. Mody is asking is a kind of reciprocity. It is said that the workers are given the right of getting wages from the employers if they give notice. Yes, it is true that the workers' wages must be paid after the period of notice is over. But what Sir H. Mody wants is not mere notice. The worker is not given the right of putting his hand into the pockets of Sir H. Mody. The worker is given the right of demanding wages. Sir H. Mody may pay or may not pay. But what Sir H. Mody says is 'I will put my hand into the worker's pocket and take away 18 days' wages without going into Court'.

Sir H. P. Mody: What is the present position?

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Mr. N. M. Joshi: If that is the kind of reciprocity that Sir H. Mody wants, then the worker should have the right of taking away from the factory anything without being charged of theft and compel the employer to go to the law Court. There is reciprocity in that. I can grant Sir H. Mody what he wants by way of reciprocity but he has not said yet that if the employer has the right to take away the wages of an employee which he has earned, therefore, the employee also should have the power to take away something from the factory without the permission of the employer. What Sir Hormasji Mody is asking for is not reciprocity at all, he is asking for something which is not given to the employee at all. The employee, if he does not get his wages, has to go to the law Court, but what the employer is asking for is: "I shall have the power to take the wages of the employee and compel him to go to the law Courts". Well, it may be said that the employers are rich people, that they are not going to fight with their employees for the sake of small wages. Well, Sir, there are some employees who are good, some employers that are bad. Yesterday the Honourable Member in charge of the Department mentioned a case which is described in a telegram which he received and a copy of which I also received. Some union of the race horse syces has sent a telegram. They heard some report about the Payment of Wages Bill and they thought that the Bill should be applied to them. What is their complaint? The complaint is that some wages were due to them and they were not paid. They went to the Court—not that they took away the horses (Laughter), they did not do it, although, according to Sir Hormasji Mody, reciprocity would have allowed them to take away the horses or some outfit of the horses; that would have been reciprocity; but they went to the Court. You know what kind of people are the owners of race horses. (Laughter.) I shall not tell you who are the owners of the race horses. They are from the highest officials in the land to subalterns. You will find many people here who are among the owners of race horses. In the Courts also there are people who are fond of racing. (Laughter.) But the Court gave the decision in favour of the syces. The total amount of the wage was Rs. 42. So I think the judge gave them eight instalments. (Laughter.) I shall read out to you what they say:

"Recovery lies in suits but funds unavailable, pauper suit undertaken. Test cases instituted take four to six months . . ."

Mr. J. A. Milligan: Has Mr. Joshi verified all this information?

Mr. N. M. Joshi: Well, if you have got any other information, you can give it; I shall tell you my story. I shall give you the source of my information, I know the man who has sent the telegram, I shall give you his name. The telegram says:

"In one case of decree obtained Rs. 42 with cost but race horse owner filed an application for payment by eight monthly instalments."

In the case of a race horse owner, for the sake of payment of Rs. 42, he asked for eight instalments. Sir, these are the kind of people to whose tender mercies you want me to throw these poor workmen! (Laughter.) I was wrong in stating that the judge gave eight instalments; the judge gave his decree for two instalments. Now, Sir, I shall tell the House the source of my information. This is a telegram I have received from Mr. Tyabji, a Member of the Burma Council. If there is a Government Member from Burma, I think he will know him very well.

An Honourable Member: Yes.

Mr. N. M. Joshi: He went to London to give evidence before the Joint Select Committee and I met him in Rangoon myself. I know him personally and I got his telegram this morning as follows:

"Please ask urgent question, case No. 80 and 80 Small Causes Court, race horses syces, decree given on 4th instant for Rs. 42, wages with costs in two instalments. Case took five months for suits and decreed by instalments for wages, Preposterous."

If there had been a real reciprocity, I would not have objected, but Sir Hormasji Mody having the money in his pocket belonging to the employee, takes it away, while the poor workmen like these syces have to go to Court. Not that all the employers have not got money; perhaps they have; but when they go to Court, they plead poverty and the judges, being very kind people, give them instalments for the payment of the money. If an employee who has got to receive money is to receive his money by instalments, may I ask you where there is reciprocity? Is Sir Hormasji proposing that the deduction should be by instalments? Reciprocity! I can understand reciprocity, but that is not what he is proposing. I shall now just deal with the wording of the amendment in a few words and then go on to the general question.

Mr. B. Das (Orissa Division: Non-Muhammadan): The Tatas are good paymasters.

Mr. N. M. Joshi: I am not complaining against them. Sir Hormasji Mody says that his amendment asks for some remedy against a lightning strike. Sir, will you call an absence of ten men a lightning strike in large factories like those in Bombay? Sir Hormasji Mody was pleading the cause of the Bombay textile industry. I ask you, Sir, and I ask Sir Frank Noyce whether concerted action of ten men can be regarded as a strike.

The Honourable Sir Frank Noyce: Yes.

Mr. N. M. Joshi: Sir, it is not a strike. Several times, Mr. President, ten men absent themselves even in a concerted manner without any intention to go on a strike. I will give several examples that have come to my notice. I do not know whether my Honourable friend, Mr. Giri, will speak. He has received recently a telegram regarding a case in point. There is one cause for which what Sir Hormasji calls a lightning strike takes place in Bombay, viz., the desire of the workmen to attend the funerals of their colleagues who die. Now the employers in many cases refuse permission. Men who feel strongly on this point go away taking the risk. Sir, ten people for an Indian's funeral are not too great a crowd. There are people who would go to a funeral even if the employer does not give permission. This amendment will apply to them: for one day's absence, thirteen days' wages are cut!

Sir H. P. Mody: That is absurd.

Mr. N. M. Joshi: It is not absurd.

Sir H. P. Mody: Thoroughly absurd.

Mr. N. M. Joshi: You should have explained what your amendment meant.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): The word "reasonable" is there.

Mr. N. M. Joshi: It must be proved in Court. Whenever ten people act in concert, it is not necessarily intended at all as a strike. They want to do something in common; they want to attend a funeral; they may want even to attend a meeting held by some of their friends. Why should they not sometimes absent themselves for a day for attending a meeting held by the Congressmen, or by the Liberal Party, as my friend suggests. If ten people absent themselves in order to attend a meeting or to attend a funeral or to go for a seabath as they several times do on Hindu holidays, they must go to Court to recover wages deducted by the employer, to fight the case for four months and get money by instalments. Well, Sir, ten men will act in concert for various other objects without any intention to go on lightning strike. My Honourable friend, Sir Hormasji Mody, does not care if labourers absent themselves for attending a funeral of any other workman. What does an employer care for it? The maximum damage for absence is laid down as being equal to 13 days' wages. Well, for how many days' absence? Even one day's absence? If a man attends a funeral for one day, the employer can take the maximum amount of 13 days' wages. May I ask you, Sir, and may I ask those Honourable Members who are going to vote with Sir Hormasji Mody whether there is any reciprocity in that. Sir, in the City of Bombay, from which Sir Hormasji Mody comes and from which I also come, there is a practice amongst the millowners of imposing penalty on the workmen for absence, not for strike. If a workman remains one day absent, his wages are deducted for two days. This is what we call double 'khada'. Mr. President, this Bill prohibits that double 'khada' system, but in an indirect manner this double 'khada' system is brought in by Sir Hormasji's amendment. Every day you will find ten men remaining absent. The employer may take it for granted that these ten men are absent in a concerted manner and he is empowered to cut down the wages.

Sir Cowasji Jehangir: For a reasonable cause.

Mr. N. M. Joshi: But the poor workman has to go to Court to prove that there has been a reasonable cause.

Sir Cowasji Jehangir: No, Sir.

Mr. F. E. James (Madras: European): Clause 15 of the Bill.

Mr. N. M. Joshi: You deduct the money first. The man has to go to Court and the Judge has to decide whether the absence was for a reasonable cause. The employer who is the judge says: "that ten men are absent in his mill on a particular day, but I will not be hard on these men, I will not take away 13 days' wages, but I will take only two days' wages for one day's absence". I quite realise that in this amendment there is a provision that all these things are subject to the regulations made by the Local Government. I shall deal with that subject a little later on. For the present I want to point out that I do not propose to

say that whatever I said now will necessarily be done. The Local Governments may make regulations prohibiting some of the things which are possible under this clause. But how does this question arise altogether? Sir Hormasji Mody says that under the present law he can make deductions. Well, Sir, if it is a question of mere interpretation of law, I have no desire to fight with him. But I know of cases where the Small Cause Court Judges have compelled.....

Sir Cowasji Jehangir: There is no Small Cause Court involved in this.

Mr. N. M. Joshi: If the Honourable Member will have the patience to listen to me, he will find the relevancy of my remarks. I know that my remarks are not palatable to him.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought not to be interrupted. He must be allowed to proceed with his speech.

Mr. N. M. Joshi: I may tell him that the case goes to the Small Cause Court in Bombay, the case need not go to the High Court.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must address the Chair.

Mr. N. M. Joshi: Mr. President, many Small Cause Court Judges have compelled the millowners to pay wages in spite of what the law may be. Sir Hormasji Mody says there are the present Standing Orders. Mr. President, I know that the Standing Orders are that each party must give notice for a fortnight. However the Standing Orders are not law. In spite of those Standing Orders, this measure was approved by the Select Committee. This measure has given certain rights to the employees. This measure prevents, as originally introduced, the deduction of wages by the employer. But I should like my lawyer friends in this House to remember that the employers' right to go to Court is not taken away by this Bill. If the employer wants damages from his employee for want of notice, the right is not taken away. The employer can certainly go to Court and recover damages for the absence. This Bill, therefore, did away with the mischief of the Standing Orders which were enacted by the millowners of Bombay. I quite realise that those Standing Orders had the sanction of the Fawcett Committee. But, Sir, committees sometimes make mistakes. The Fawcett Committee suggested that a fortnight's period for notice was quite good. The Royal Commission on Labour suggested that fortnight was too much. They recommended that contract should not be for more than seven days. So, after all, it is quite possible that the Fawcett Committee may have made a mistake and I think they did. This Bill corrected that wrong which was perhaps committed by the Fawcett Committee and by the millowners of Bombay. This Bill prevented deduction by the millowners from the wages of the employees on the ground that the employee did not give notice of the termination of his services. Let me again assure my lawyer friends that this Bill did not take away the right of the employer to go to law Courts and recover damages. This provision which Sir Hormasji Mody has proposed now by his amendment detracts from the usefulness of this Bill to a very great extent. It is not possible to estimate the loss and gains by means of this Bill if Sir Hormasji Mody's amendment is carried. I made it quite clear,

[Mr. N. M. Joshi.]

when I spoke on the Bill when it was first introduced, that this Bill did not deal with the most important question regarding wages, namely, the amount of wages. That is the most important thing. This Bill did not deal with that. This Bill deals with smaller matters regarding method of payment of wages and what amount should be deducted and what amount should not be deducted. I do not suggest that this Bill is not an important Bill. If I had felt that this Bill is not an important Bill I would not have spent my time over it. I feel it is an important Bill, but at the same time the importance of this Bill is to be compared with the loss which may be caused to the workers by the introduction of Sir Hormasji's amendment. This Bill by way of reduction of fines, by way of regular payment of wages, and by way of regularising the system of reductions may certainly put some money into the pockets of the working classes. But, I am quite sure, that if you take all the amounts of the fines and all the losses caused by the deductions, they will not come to more than one per cent. of the total wage bill of an industry. I am not sure what the percentage will be but it will not be a very large one. What will be the loss caused by the amendment of my friend, Sir Hormasji Mody? In the first place he wants to take the power to deprive the workman of 13 days' wages. But, Sir, although to an ordinary poor workman the loss of 13 days' wages is a very serious one, I am not thinking of the loss of these 13 days' wages so much as the loss of power which would be caused by the amendment of Sir Hormasji Mody. What Sir Hormasji is aiming at is that lightning strikes should be stopped. I am not in favour of lightning strikes; at the same time I should like the House to remember this. Under the present conditions in India do you really think that the working classes are organised and so much educated that they will be able first to give notice and then go on strike? It is not possible. In India, whenever the working classes get into a difficulty they go on a strike; it is not possible for them to give a notice. That fact has to be remembered in this connection, and for that reason, Sir, when this question of notice was discussed before the Fawcett Committee I suggested that there should not be a notice for the working classes for more than one day; but beyond that if you provide a longer notice your law of notice cannot be followed and will be broken. And what is the use of making a law which the working classes, we all know, cannot follow? I, therefore, feel, Sir, that to make a rule like this which we all know will be broken is a wrong thing. After all, what is the protection given to the working classes in order that they may be able to meet attacks on their standard of life? There is no minimum wage legislation in India. The Legislature has not provided for any protection against the attacks on the standards of life of the working classes of this country. There is no minimum wage legislation and they cannot go to Court for an increase in their wages. They are at the mercy of the employer; therefore, if the workers go on a strike and a lightning strike how can you blame them? If the Government provides legislation for a minimum wage and if it provides that whenever the workman has a complaint about the insufficiency of wages that complaint will be investigated and decided by an impartial body, I can understand your saying that you shall legislate against lightning strikes. But there is absolutely no legislation in this country giving protection to the working classes against attacks on their standards of life. The working classes,

therefore, have to depend upon a strike and absent themselves from the factories in order that their standards of life may be protected. I, therefore, feel that to pass any amendment which will reduce the power of the working classes to resist attacks on their standards of life is a wrong thing. The Legislature cannot do any greater harm to the working classes than to accept the amendment which Sir Hormasji Mody has proposed.

Sir, I should like to say a word about this law of notice which Sir Hormasji Mody has brought in into this amendment in a very indirect way. My Honourable friend, the Secretary of the Industries Department, yesterday said, very eloquently perhaps, that when I moved my amendment for the fortnightly payment of wages I was perverting the object of this Bill. May I now ask the Secretary of the Industries Department whether by supporting the amendment of Sir Hormasji Mody he is not perverting the original object of this Bill? What is this amendment doing? The amendment is providing for a statutory law in India for notice for terminating the services of an employee.

Sir H. P. Mody: No, it presumes so.

Mr. N. M. Joshi: That is what the amendment means. The regulations have to be made by the Local Government. Sir Hormasji says that the worker will be punished by the loss of 13 days' wages, and if a law of notice is not to be passed by the Local Governments, may I ask what is going to be the damage to be paid by the employer who is not mentioned in this? If Sir Hormasji had mentioned what the employer's damages should be. There are several details which he has not mentioned in his amendment which are absolutely necessary to make his amendment workable. Sir, statutory law will have to be made by regulations by the Local Governments. And I feel, Sir, that this bringing in of a statutory law of notice for terminating services is a perversion of the original object of this measure. I should like the Secretary of the Industries Department to lay his hand on his heart and tell me whether, if by introducing an amendment for fortnightly wages I was perverting the Bill, by supporting this amendment for the enactment of a law for notice he is not supporting the perversion of the original object of this Bill. Sir, this question of notice is not such a simple one as Sir Hormasji Mody has led the House to believe. After all, if you bring in the question of notice you must say what is going to happen about the period of notice. Sir Hormasji Mody's contract is for 14 days but that is not necessary for the law. There may be laws for one month's notice; there may be laws for a weekly notice. Somebody will have to say whether the contract will not contain more than a certain period for notice; the notice required for termination of a contract of service will not be more than one month or will not be more than one week. Somebody will have to say that the notice for terminating a contract of service must be of some period. Somebody will have to say also whether the period for both parties should be the same or may be different. You take it for granted that if an employer has to give notice to his employee it must be 14 days, and the same period must also be provided for the employee. Is that the law of the world, that an employer has to give 14 days' notice and, therefore, necessarily the employee also must give 14 days' notice? Sir, it is not the natural law. It is quite possible that in the case of the employer there may be justification for a longer notice and in the case of the employee a justification for a shorter notice.

Sir H. P. Mody: Sir, may I interrupt my Honourable friend? Is it or is it not a fact that the General Strike Committee, on which he was represented originally, put up a demand that there shall be one month's notice on the part of the employer and one month's notice on the part of the employee? If it was so very unfair for the employee to be tied down to the same period of notice, why was the demand put up by the General Strike Committee? Where were the labour unions in Bombay?

Mr. N. M. Joshi: Sir, I am not a man who has ever made a claim that I have never made a mistake in my life. But I shall tell you one thing. That Strike Committee did put that as a demand. But after the strike was over I had the privilege of appearing before the Fawcett Committee and placing the workers' point of view before that Committee. If Sir Hormasji Mody had been fair—I am quite sure he has read the Fawcett Committee's Report—he would have found that I did not agree to more than a day's notice.

Sir H. P. Mody: I said "the original demand".

Mr. N. M. Joshi: The Fawcett Report mentions quite clearly that we did not approve of the rules or regulations which were made. The period of notice need not be equal in both cases. Moreover, what about the damages? Of course the maximum to be paid by the employees is fixed—18 days' wages. What should be the damage to be paid by the employer? I see nothing in this amendment. There are many questions of this kind. How is the damage to be recovered? The damage to be paid by the employee is to be deducted by the employer from wages. How is the employee to recover his damage? That is not stated in this Bill.

Sir H. P. Mody: Of course, it is.

Mr. N. M. Joshi: It is not.

Sir H. P. Mody: What is Mr. Clow's amendment?

Mr. N. M. Joshi: He must go to the Court if the employer does not pay. The employer can take his amount of damage by his own hands, while the worker must go to the Court. That is exactly what I am telling you. This law regarding notice is not easy; it involves various considerations. I shall not deal with this question at great length, but I would like the Members here, especially the lawyer Members who feel sympathy for the amendment of Sir Hormasji Mody, to hear a few facts which I shall now place before you regarding the laws of notice in various countries. We are under the impression that the law of notice is one all over the world. It is not so. I shall give you a few notes which I have made regarding the laws in the whole world. Sir, the International Labour Office has rendered great service to those who want to study the question regarding labour legislation. They have printed volumes containing the legislation in various countries. I have spent some time looking over the pages of these volumes and I shall give you some information regarding the laws of notice:

Austria. Legislation in 1921. Employer to give six weeks to five months according to the length of service of the employee. Employee to give a month's notice unless agreed to otherwise.

Japan. 1926. Employee to be dismissed must be given 14 days' notice or 14 days' wages. Corresponding obligation of employees regarding notice is not referred to at all. The employee need not give any notice.

Italy. In undertakings working throughout the year, if a worker is dismissed for no fault, he has to be given compensation proportional to the length of service. If a man has worked for 25 years, the compensation must vary according to the length of service. No corresponding obligation on the employee when he elects to leave work.

Russia. The employer can terminate a contract after a notice of one week; the employee can terminate contract after 3 days' notice.

Sir Cowasji Jehangir: Where is the employer in Russia?

Mr. N. M. Joshi:

Peru. Compensation to dismissed salaried employees half month's salary for each year of service. Not 14 days' wages, but one half month's salary for each year of service.

China. If employer wants to terminate contract notice from 10 to 30 days proportionate to the length of service of the worker is required. The worker, when no particular period for a contract is stipulated, can terminate contract with 7 days' notice.

It is wrong to take it for granted that the period of notice should be equal or the damages to be paid by both parties should be equal. All over the world the right of the worker to be treated properly in this matter has been recognized. It is true that in India we have no law on the subject and, therefore, what is called the common law is generally applied and perhaps the regulations made by the employer are given effect to. My point is that this law regarding notice is not a simple law, it is a matter that requires consideration. Now, what does this Bill do? The Bill gives power to Local Governments to enact all these things, to lay down the period of notice to be given by the employer to the employee and by the employee to the employer. What is the damage to be paid by the employer to the workman? I want to know, Sir, whether a law of this kind regarding notice can be left to the executive authority of a Government. I feel that to approve of this amendment at this time without any discussion, and giving power to the Local Governments to make regulations regarding all conditions about notice, is a perversion of this measure. I feel that if this is passed you will in the first place be doing a wrong thing and setting a bad example in leaving to Local Governments an important matter of this kind. Secondly, you will be doing a great harm to the interests of the working classes of this country by depriving them of the only weapon by which they can defend the attacks against their standards of living. I hope that this Legislature will not approve of the amendment which Sir Hormasji Mody has moved.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I intend to intervene in this debate for a very short time, because it strikes me that it is very likely that the difference between the parties or at any rate between some of the parties are not so great as it may at first sight appear from the discussions which have been going on. The interjection which was made by my Honourable friend, Pandit Govind Ballabh Pant, clearly indicates one of the issues between some of the parties. I hope

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[Sir Nripendra Sircar.]

my friend will correct me if I am wrong. What he said was this. Regarding Sir Hormasji Mody's amendment 'if ten or more employed persons acting in concert absent themselves without due notice or reasonable cause . . .', I think Pandit Govind Ballabh Pant interrupted by asking whether after "notice" "or" or "and" was meant. The point is one of substance, for as it has been drafted it amounts to this, that there may be a reasonable cause for the servant leaving his master and yet he may be liable. To take an extreme case, supposing on the previous day he was chased, kicked or assaulted, he could leave the next day, but as it is drafted, it may be said that we do not mean a case irrespective of whether there is reasonable cause or no reasonable cause, but merely notice has not been given. I do not say that Sir Hormasji Mody could have meant that. If he did, it is open to this obvious criticism. I do not know whether this will be acceptable to the parties here: so far as we on this side are concerned, we shall be quite agreeable to a proposition of something like this namely, to substitute the word "and" for the word "or" between "without due notice" and "reasonable cause". That will make it "absent themselves without due notice and without reasonable cause"

Mr. N. M. Joshi: I thought you were correcting a mistake, not making a concession.

The Honourable Sir Nripendra Sircar: I am not correcting a mistake. I am suggesting that if that is done, the amendment would run like this: "absent themselves without due notice and without reasonable cause". Then the only other ambiguity will be as to what is meant by "due notice"—who is going to decide and how are you going to define what due notice is. To that my suggestion is that after the words "due notice" we put in brackets "(notice due under the contract of service or otherwise by law required)", making it perfectly clear that the notice which is required will be the notice which is requisite under the contract of agreement, or when there is no contract of agreement, under the law applicable to him—I mean the law of British India, not of China or Peru or other countries. That is a matter which I would ask this House to consider—if it is possible I shall be quite prepared to move an amendment now in that form. But if my friend, Mr. Joshi, has any technical objection to my moving the amendment now in this form, then I have two suggestions to make: one is that this House and the President may agree to consider this matter the next day, so that all parties can think over it and, if necessary, we can give formal notice of the amendment. I indicate to the House that if given a chance the amendment will be in this form—I am not giving the exact words, but the purport of it—that in Sir Hormasji's amendment to clause 9 of the Bill for the words "without notice or reasonable cause" the words "without due notice (that is to say, notice due under the contract of service or otherwise by law required) and without reasonable cause" be substituted. I formally ask your permission to move the amendment in those terms, but if Mr. Joshi objects to that I will not press for moving the amendment.

Mr. N. M. Joshi: Mr. President, I myself do not object to this amendment, but let it not be understood that I am going to withdraw my opposition to the main amendment.

Mr. President (The Honourable Sir Abdur Rahim): As the amendment now proposed is of some importance the Chair thinks notice ought to be given so that it may be taken up the next day.

Sir H. P. Mody: Does this clause stand over, Sir?

Mr. President (The Honourable Sir Abdur Rahim): Unless any Honourable Member wishes to speak—the Chair is in the hands of the House—it will perhaps be desirable that the discussion on this should stand over till the next day.

Sir H. P. Mody: May I submit, Sir, that the amendment suggested by my Honourable friend, the Leader of the House, is not one of substance but of phraseology? As a matter of fact, I made it perfectly clear that we would have to establish that the workman left without reasonable cause; so there was no ambiguity about my meaning; unfortunately, the phraseology employed by me did not bring out my meaning, and my submission is that what is now suggested clearly bears out my meaning without altering the amendment in substance, and may be taken up now.

Mr. President (The Honourable Sir Abdur Rahim): The Chair is of the opinion that it is an important amendment. The Chair 4 P. M. supposes what Sir Hormasji Mody suggests is that it is an amendment in favour of the workman. It seems to the Chair that it is quite possible to read the amendment as being more injurious to the workman. Therefore, the Chair will allow the amendment to stand over till the next day of this Bill.

Pandit Govind Ballabh Pant: Will the debate on this amendment continue on the next day or will it be finished today and the amendment alone taken up afterwards?

Mr. President (The Honourable Sir Abdur Rahim): This is the last amendment, the Chair believes, to clause 9, and it will perhaps be better that the discussion of this clause should stand over. The House will now take up clause 10.

The question is:

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

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

"That clause 11 stand part of the Bill."

Mr. J. A. Milligan: Sir, I beg to move an amendment to clause 11 of the Bill and, before doing so, I request your permission to vary the wording of that amendment in such a way as not to alter the sense, but to bring the grammar of the amendment into conformity with the wishes of the Secretary in the Industries and Labour Department. The amendment, as I now move, reads as follows:

"That in clause 11 of the Bill, for the words 'or other' the words 'amenity or' be substituted, and for the words 'supplied or the service rendered' the words 'amenity or service supplied' be substituted."

The alteration which I have requested your permission to make is to avoid the expression of an amenity being rendered. This amendment is merely consequential on the amendment accepted by the House with regard to clause 7 (2)(c) of the Bill. I, therefore, do not think the House will wish to hear from me any argument in support of this amendment.

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

"That in clause 11 of the Bill, for the words 'or other' the words 'amenity or' be substituted and for the words 'supplied or the service rendered' the words 'amenity or service supplied' be substituted."

The Honourable Sir Frank Noyce: Sir, this is, as Mr. Milligan has explained, a consequential amendment following on a previous amendment accepted by the House, and I, therefore, accept it.

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

"That in clause 11 of the Bill, for the words 'or other' the words 'amenity or' be substituted, and for the words 'supplied or the service rendered' the words 'amenity or service supplied' be substituted."

The motion was adopted.

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

"That clause 11, as amended, stand part of the Bill."

The motion was adopted.

Clause 11, as amended, was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Clause 12.

Mr. G. Morgan (Bengal: European): Sir, I am not moving my amendment on clause 12.

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

"That clause 12 stand part of the Bill."

The motion was adopted.

Clause 12 was added to the Bill.

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

"That clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

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

"That clause 14 stand part of the Bill."

Mr. L. O. Buss (Nominated Non-Official): Sir, I move:

"That in sub-clause (4) of clause 14 of the Bill, after the words 'any register or document' the words 'relating to the calculation or payment of wages' be inserted."

Sir, my submission is that the wording of this clause in the Bill is open to very serious objection. It is altogether too general and comprehensive, and while it is obvious that the intention is to give an Inspector access only to those registers and documents which have some bearing on the administration of the Bill, the actual phrase used bears no such construction, but is practically a perpetual search warrant in favour of all Inspectors. There is, Sir, in the opinion of many employers who have studied this clause, a very real risk that it might in exceptional cases be improperly used to secure information about matters which had no connection whatever with wage payments and which would be of value to competitive concerns.

There is of course no suggestion that such cases would arise with any frequency, but the risk is there, and I submit that if this risk can be guarded against by the few words necessary to explain the kind of registers and documents to which it is intended that an Inspector should have access, this should be done.

It may be said, that a restriction on the rights of Inspectors in the way proposed would interfere with their full performance of their duties. There is no such intention in the amendment, nor, in my opinion, is there any such risk. I draw attention to the precise words used—"relating to the calculation or payment of wages", and I think it can safely be said that this Bill will not exclude any document which has any bearing on the matter at issue. In fact, I am afraid that many employers might consider even the proposed wording as giving too much latitude to Inspectors, and authorising them to call for information on too broad a basis. On behalf of my constituents, Sir, I am prepared to take that risk, which I regard as so much less than the risks inherent in the original wording of the Bill as to be a reasonable compromise.

It may be felt, Sir, that this amendment casts some reflection on Government servants. That is of course so, but I do not think Government would go so far as to claim absolute immunity from temptation for all their servants. The whole of this Bill is a reflection on employers (including quite a large number of Government servants), and I suggest that there can be no possible objection on grounds of *izzat* to the very minor reflection cast by this amendment.

Speaking yesterday in this House, Sir, my Honourable friend, Sardar Sant Singh eloquently denounced the danger of allowing officials to inspect the books of industrial concerns. All of them, he said, have secrets, the exposure of which would be harmful to their interests. That, Sir, is strong evidence from an influential quarter, and I am very glad to feel that I have my Honourable friend's support to this amendment. Sir, I move.

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

"That in sub-clause (4) of clause 14 of the Bill, after the words 'any register or document' the words 'relating to the calculation or payment of wages' be inserted."

Mr. J. A. Milligan: Sir, I rise to support the amendment moved by my Honourable friend, Mr. Buss. Though I was a member of the Select Committee, and though I entirely agree with the general principle laid down by my Honourable friend, Sir Frank Noyce, with regard to adherence to the decisions of such Committees, I consider that, in view of the opinions which have been received from many quarters since last Session, this amendment is really called for by a large number of employers. There was one occasion, Sir, previously, when I was involved in a discussion on this very point. That was in 1932, when Act XXII of that year, the Tea Districts Emigrants Labour Act, was passed. By that Act a Controller with Deputy Controllers was set up for the purpose of supervising the various conditions of labour on tea estates in Assam. The Controller was vested with very wide powers. I may say, Sir, that the Controller is a senior officer of the Indian Civil Service, of whose personal *bona fides* and honesty there could be no possible suspicion and against whom it was not intended to cast any aspersions at all; and yet after a prolonged discussion his powers were limited in the Act as follows:

"To inspect in any office or depot mentioned in sub-clauses (3) and (4) of clause (a) any register or other document required to be kept under this Act."

If my memory is not at fault, the original Bill allowed him to inspect any register or document; but this was modified, not with a view to cast aspersions on any individual, but as a reasonable safeguard due to the employer.

The Honourable Sir Frank Noyce: Sir, my feeling in regard to this amendment is that there is a good deal of substance in what Mr. Milligan has said. It is true that this amendment was not accepted by the Select Committee, but I feel, considering all the circumstances, that the best plan will be to leave it to the judgment of the House. If there is no opposition to it, I am perfectly willing to accept it. In any case I am quite prepared to leave the matter to the free vote of the House.

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

"That in sub-clause (4) of clause 14 of the Bill, after the words 'any register or document' the words 'relating to the calculation or payment of wages' be inserted."

The Assembly divided.

AYES—30.

Ahmad Nawaz Khan, Major Nawab.
Allah Bakhsh Khan Tiwana, Khan
Bahadur Nawab Malik.
Bhagchand Soni, Rai Bahadur Seth.
Buss, Mr. L. C.
Chattopadhyaya, Mr. Amarendra
Nath.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Gajapatiraj, Maharaj Kumar Vijaya
Ananda.
Gauba, Mr. K. L.
Grigson, Mr. W. V.
Hudson, Sir Leslie.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur
Sardar Sir.
Jehangir, Sir Cowasji.

Lal Chaud, Captain Rao Bahadur
Chaudhri.
Lalchand Navalrai, Mr.
Leach, Mr. F. D.
Mangal Singh, Sardar.
Milligan, Mr. J. A.
Mody, Sir H. P.
Morgan, Mr. G.
Muhammad Nauman, Mr.
Mukherjee, Rai Bahadur Sir Satya
Charan.
Parma Nand, Bhai.
Rajah, Rao Bahadur M. C.
Sant Singh, Sardar.
Sarma, Mr. R. S.
Scott, Mr. J. Ramsay.
Vissanji, Mr. Mathuradas.
Witherington, Mr. C. H.

NOES—22.

Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Banerjee, Dr. P. N.
Gadgil, Mr. N. V.
Ghiasuddin, Mr. M.
Giri, Mr. V. V.
Hans Raj, Raizada.
Jedhe, Mr. K. M.
Joshi, Mr. N. M.
Kailash Behari Lal, Babu.
Khan Sahib, Dr.
Mudaliar, Mr. C. N. Muthuranga.

Muhammad Ismail Khan, Haji
Chaudhury.
Nageswara Rao, Mr. K.
Raju, Mr. P. S. Kumaraswami.
Satyamurti, Mr. S.
Sham Lal, Mr.
Shaukat Ali, Maulana.
Singh, Mr. Ram Narayan.
Sinha, Mr. Anugrah Narayan.
Sinha, Mr. Satya Narayan.
Varma, Mr. B. B.

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:
"That clause 14, as amended, stand part of the Bill."

The motion was adopted.

Clause 14, as amended, was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): The question is:
"That clause 15 stand part of the Bill."

Mr. A. G. Clow: Sir, I move:

"That in clause 15 of the Bill:

- (a) sub-clause (4) be omitted;
- (b) sub-clause (5) be re-numbered as sub-clause (4) and all the words occurring after the word "application" where it appears for the second time be omitted;
- (c) the following sub-clause be added, namely:
 - (5) Any amount directed to be paid under this section may be recovered
 - (a) if the authority is a Magistrate, by the authority as if it were a fine imposed by him as Magistrate, and
 - (b) if the authority is not a Magistrate, by any Magistrate to whom the authority makes application in this behalf, as if it were a fine imposed by such Magistrate."

This amendment is merely designed to secure the proper implementing of the provisions relating to the recovery of amounts awarded under the Bill. Clauses 4 and 5 at present provide that any amount may be recovered in the manner provided in the Code of Criminal Procedure but they do not indicate who is to effect the recovery. In a number of cases, the authority will be a magistrate. In other cases he will probably not have magisterial powers. This is merely to ensure that the recovery is effected in an orthodox and proper manner by a magistrate having powers under the Code of Criminal Procedure.

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

"That in clause 15 of the Bill:

- (a) sub-clause (4) be omitted;
 - (b) sub-clause (5) be re-numbered as sub-clause (4) and all the words occurring after the word "application" where it appears for the second time be omitted;
 - (c) the following sub-clause be added, namely:
 - (5) Any amount directed to be paid under this section may be recovered
 - (a) if the authority is a Magistrate, by the authority as if it were a fine imposed by him as Magistrate, and
 - (b) if the authority is not a Magistrate, by any Magistrate to whom the authority makes application in this behalf as if it were a fine imposed by such Magistrate."
- The motion was adopted.

Mr. N. M. Joshi: Sir, I move:

"That in sub-clause (5) of clause 15 of the Bill, for the words 'either malicious or vexatious' the word 'malicious' be substituted."

Under sub-clause (5) of clause 15 of this Bill, the authority which hears applications is empowered to impose a penalty not exceeding Rs. 50, if the authority finds that the application is malicious or vexatious. I feel, in the first place, that this clause is unnecessary. It is not that people make applications to authorities for wages in order to create some trouble to the employer. Some times it is quite possible that the man misunderstanding the terms of the law may make an application and the authority may fine him simply because the employer was put to some trouble and the poor fellow who wanted his wages will get a penalty of Rs. 50. It is quite possible that people will say that after all the magistrate must be convinced that the application is malicious or vexatious. I do not know what the experience of the gentlemen here about magistrates is. I do not know what the Congressmen think of the magistrates. You may have magistrates who do justice in the case of people like yourself and myself but who think that a workman can never do the right thing. I have a case in mind. A few workmen belonging to a factory near Bombay were beaten by an Excise Inspector or some officer of police belonging to the Excise Department. The men took the case to the magistrate's Court. They thought that the manager, who is a European, would give evidence because the man was beaten in the presence of the manager. The manager said that he could not displease the Excise Department. The case was heard by the magistrate and witnesses from among the working classes were produced, as the manager refused to give evidence. The magistrate not only did not punish the Excise Department man who had actually beaten one of the workmen but made a case against these workmen for bringing a false case against the excise man and fined him less than Rs. 50, so that there should be no appeal. This is exactly what is happening in this case. We are imposing a penalty not exceeding Rs. 50. If the magistrate does anything wrong, there is no appeal. I am not suggesting that the fine should be higher. I, therefore, feel that we should not put in the words 'malicious or vexatious'; I am quite willing to keep the word 'malicious', because I cannot get rid of this clause. 'Malicious' means that the man has got some hostile feeling towards his employer, but 'vexatious' is a much wider term. Every application to a magistrate gives some trouble to the employer. In that case, unless the magistrate happens to be a good man, a penalty will be imposed. I, therefore, trust that the House will accept my amendment.

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

"That in sub-clause (5) of clause 15 of the Bill, for the words 'either malicious or vexatious' the word 'malicious' be substituted."

Mr. A. G. Olow: Sir, I oppose this amendment. The words "malicious or vexatious" are familiar to most lawyers in the House as occurring in the Criminal Procedure Code. I listened carefully to my Honourable friend's speech to see why a workman who brings a definitely vexatious case should not be liable to a penalty. The only argument that I think he used was that Magistrates make mistakes or that Magistrates are prejudiced. Well, Sir, it is an extraordinarily poor argument for making a bad law that it may be administered by an unworthy person. In making

any law, we have to proceed on the assumption—an assumption which I am sure is ordinarily, indeed almost, universally valid—that the law will be justly administered; and I see myself no reason why, if a workman brings a case for a definitely vexatious purpose, power should not rest with the authorities to discourage others who may have the same desire.

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

"That in sub-clause (5) of clause 15 of the Bill, for the words 'either malicious or vexatious' the word 'malicious' be substituted."

The motion was negatived.

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

"That clause 15, as amended, stand part of the Bill."

The motion was adopted.

Clause 15, as amended, was added to the Bill.

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

"That clause 16 stand part of the Bill."

Mr. A. G. Olow: Sir, I beg to move:

"That in sub-clause (1) of clause 16 of the Bill, the words and brackets '(whether upon a railway or in a factory or other industrial establishment)' be omitted."

When we came to examine the Bill, after it left the Select Committee, we found an error in these words. A factory is not an industrial establishment and it is, therefore, incorrect to speak of "other industrial establishments". But on going into the matter further, we found that the words were entirely superfluous and add nothing whatever to the force of the section.

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

"That in sub-clause (1) of clause 16 of the Bill, the words and brackets '(whether upon a railway or in a factory or other industrial establishment)' be omitted."

The motion was adopted.

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

"That clause 16, as amended, stand part of the Bill."

The motion was adopted.

Clause 16, as amended, was added to the Bill.

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

"That clause 17 stand part of the Bill."

Mr. F. B. Leach (Burma: European): Sir, I beg to move:

"That in sub-clause (1) of clause 17 of the Bill, after the words 'a Presidency town' occurring in the fifth line the words 'or in Rangoon' be inserted."

[Mr. F. B. Leach.]

This is purely a formal amendment. Rangoon is not technically a Presidency Town, but, like a Presidency Town, it has a Small Cause Court and no District Court. Therefore, in all legislation of this nature it is specially mentioned in conjunction with the Presidency Towns. Sir, I move.

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

"That in sub-clause (1) of clause 17 of the Bill, after the words 'a Presidency town' occurring in the fifth line the words 'or in Rangoon' be inserted."

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.

Clauses 18 and 19 were added to the Bill.

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

"That clause 20 stand part of the Bill."

Mr. A. G. Olow: Sir, I move:

"That in sub-clause (2) of clause 20 of the Bill, for the words and figures 'the provisions of section 4 or of section 6 * * * shall' the words and figures 'the provisions of section 4, section 6 or section 25 shall' be substituted."

This merely provides a penalty for a prescriptive clause for which in the Select Committee we failed to provide any penalty at all.

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

"That in sub-clause (2) of clause 20 of the Bill, for the words and figures 'the provisions of section 4 or of section 6 * * * shall' the words and figures 'the provisions of section 4, section 6 or section 25 shall' be substituted."

Mr. M. S. Aney: Sir, I am afraid before we pass on to clause 25, this amendment cannot be considered by the House.

Mr. President (The Honourable Sir Abdur Rahim): This amendment will stand over until we reach clause 25.

Clauses 21 to 24 were added to the Bill.

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

"That clause 25 stand part of the Bill."

Mr. A. G. Olow: Sir, I beg to move:

"That in clause 25 of the Bill, for the words 'there shall be displayed in every factory', the words 'the person responsible for the payment of wages to persons employed in a factory shall cause to be displayed in such factory' be substituted."

Sir, this amendment remedies another omission. We provided for the display of certain notices in the factory, but we unfortunately omitted to say who was to display the notice so that the section is entirely ineffective in the form in which it stands in the Bill.

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

"That in clause 25 of the Bill, for the words 'there shall be displayed in every factory', the words 'the person responsible for the payment of wages to persons employed in a factory shall cause to be displayed in such factory' be substituted."

The motion was adopted.

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

"That clause 25, as amended, stand part of the Bill."

The motion was adopted.

Clause 25, as amended, was added to the Bill.

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

"That in sub-clause (2) of clause 20 of the Bill, for the words and figures 'the provisions of section 4 or of section 6 * * * shall' the words and figures 'the provisions of section 4, section 6 or section 25 shall' be substituted."

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.

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

"That clause 26 stand part of the Bill."

Mr. N. M. Joshi: Sir, I beg to move:

"That after sub-clause (3) (b) of clause 26 of the Bill, the following be added:

'(c) provide for the regular inspection of the weights, measures and weighing machines used by employers in checking or ascertaining the wages of persons employed by them'

and that the subsequent sub-clauses be re-lettered."

You will find, Sir, that I have made a slight change in the amendment printed on the Agenda for the sake of proper drafting. My amendment provides power to the Local Governments to make regulations providing for the regular inspection of the weights, measures and weighing machines used by employers in checking or ascertaining the wages of persons employed by them. There are some workmen who are paid by what is called the piece rate system and in order to decide what is the amount of work turned out by the employee, the employer uses weights and measures and I feel that in order that the workmen should not suffer any loss by defective instruments, regular inspection should be provided. I hope the House will accept my amendment.

[7TH FEB. 1936.]

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

"That after sub-clause (3) (b) of clause 26 of the Bill, the following be added:

'(c) provide for the regular inspection of the weights, measures and weighing machines used by employers in checking or ascertaining the wages of persons employed by them'

and that the subsequent sub-clauses be re-lettered."

The Honourable Sir Frank Noyce: Sir, I accept the amendment.

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

"That after sub-clause (3) (b) of clause 26 of the Bill, the following be added:

'(c) provide for the regular inspection of the weights, measures and weighing machines used by employers in checking or ascertaining the wages of persons employed by them'

and that the subsequent sub-clauses be re-lettered."

The motion was adopted.

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

"That clause 26, as amended, stand part of the Bill."

The motion was adopted.

Clause 26, as amended, was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Further discussion on the Bill will stand over to the next day.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House): As regards the business for next week, Sir, the list for Monday is already in Honourable Members' hands. For Wednesday and Friday there will be a joint list, the first item on which, assuming it not to have been disposed of on Monday, will be the Ottawa Resolution, after disposing of which the House will, if time permits, revert to any item of legislative business outstanding from Monday's list and thereafter to the items of legislative business outstanding from today's list. As regards the request made by the Honourable Member, Mr. Satyamurti, this morning, we have arranged to put down the consideration of the Report of the Public Accounts Committee for Monday, the 17th February, immediately after the presentation of the Railway Budget.

The Assembly then adjourned till Eleven of the Clock on Monday, the 10th February, 1936.



RECEIVED

LEGISLATIVE ASSEMBLY.

Monday, 10th February, 1936.

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

MEMBERS SWORN.

Lieut.-Colonel Sir Henry Gidney, Kt., M.L.A. (Nominated Non-Official); and

Dr. John Matthai, C.I.E., M.L.A. (Government of India: Nominated Official).

QUESTIONS AND ANSWERS.

PROPOSAL OF SETTLEMENT OF BRITISH LABOUR IN INDIA.

184. ***Mr. Akhil Chandra Datta**: (a) Is there any scheme or proposal of Settlement of British Labour in India?

(b) Has there been any correspondence between the Secretary of State for India and the Government of India on the question whether room can be made in India for the surplus population of the United Kingdom? If so, will Government be pleased to lay it on the table?

The Honourable Sir Frank Noyce: (a) and (b). None whatever.

EFFECT OF THE CLOVE GROWER'S ASSOCIATION DECREE AND THE CLOVE EXPORTERS DECREE UPON INDIANS ENGAGED IN THE CLOVE TRADE IN ZANZIBAR.

185. ***Mr. Akhil Chandra Datta**: (a) Has any enquiry been made as to the effect of the Clove Grower's Association Decree of 1934 and the Clove Exporters Decree of 1934 upon the Indians engaged in the clove trade in Zanzibar? If so, will Government please state what was the machinery employed for such enquiry and what were the facts ascertained?

(b) Will Government please lay on the table the report, if any, submitted as a result of such enquiry?

(c) Is it a fact that agreeably to the recommendations of Mr. Menon, Government represented to the Secretary of State for India that action should be taken in order to modify the Clove Grower's Association Decree of 1934? If so, has any action been taken? If not, has any further step been taken by Government? If not, why not?

Sir Girja Shankar Bajpai: (a) and (b). The Government of India have employed no agency of their own, since Mr. Menon's deputation to assess the actual effect of the Decrees referred to by the Honourable Member. Information on the subject has, however, been supplied by the Imperial Citizenship Association in a letter, dated the 26th November, 1935, which has already been published.

(c) The answer to the first part of the question is in the affirmative. As regards the remainder, I would invite the attention of the Honourable Member to the reply given by me on the 5th February, 1936, to Mr. Satyamurti's question No. 61.

Mr. S. Satyamurti: May I know if Government's attention has been drawn officially to the report of the riots in Zanzibar which appeared in the press, I believe, yesterday?

Sir Girja Shankar Bajpai: That does not, strictly speaking, arise out of this question, but I may inform my Honourable friend that, as soon as I saw the report, I telegraphed to London for information, but I have had no information yet.

Mr. S. Satyamurti: May I know if the attention of Government has been drawn to the statement of Mr. Tyabji made in Bombay yesterday, appearing in this morning's papers, on the situation in Zanzibar?

Sir Girja Shankar Bajpai: Mr. Tyab Ali,—to give him his correct name,—arrived in Bombay on the day before yesterday and he is expected here tonight. I hope to be able to confer with him tomorrow.

Mr. T. S. Avinashilingam Chettiar: Have they received any complaints about the working of these Zanzibar Decrees?

Sir Girja Shankar Bajpai: That is an old story; we discussed that at great length at Simla.

Mr. T. S. Avinashilingam Chettiar: Have they received any fresh complaints about the working of these Decrees?

Sir Girja Shankar Bajpai: I have had no information on the subject since the deputation to which I have referred waited on me in December, 1935.

INTERESTS OF INDIAN NATIONALS IN ZANZIBAR.

186. ***Mr. Akhil Chandra Datta:** (a) Do Government propose to take any steps to safeguard the interest of Indian Nationals in Zanzibar?

(b) Have Government considered whether it is in their power to take effective steps for protecting Indian interests and vindicating India's honour in Zanzibar?

(c) Have Government considered the advisability of adopting retaliatory measures and tariff duty on imports from Zanzibar?

Sir Girja Shankar Bajpai: (a)—(c). Yes.

Mr. S. Satyamurti: What is the answer to clause (b)?

Sir Girja Shankar Bajpai: That was discussed at great length in Simla last September, and my Honourable friend's Deputy Leader, Pandit Govind Ballabh Pant, had to say something on the subject.

Mr. S. Satyamurti: I want to know what Government have to say on the subject. What is the conclusion of Government on the subject referred to in clause (b) of the question, that is to say, the effective steps which they think they can take to protect Indian interests and vindicate India's honour in Zanzibar?

Sir Girja Shankar Bajpai: So far as Government are concerned, their position is that they are taking such effective steps as they can.

Mr. S. Satyamurti: May I know what they are?

Sir Girja Shankar Bajpai: Representation to His Majesty's Government.

Mr. S. Satyamurti: Anything else?

Sir Girja Shankar Bajpai: That seems to be enough for the present.

Mr. T. S. Avinashilingam Chettiar: What is the answer to clause (c)?

Sir Girja Shankar Bajpai: I have already answered that in the affirmative.

Mr. S. Satyamurti: What is the conclusion on their consideration of the advisability of adopting retaliatory measures?

Sir Girja Shankar Bajpai: I have already said with regard to that that we have been considering the matter.

Mr. S. Satyamurti: What is the conclusion on that consideration?

Sir Girja Shankar Bajpai: The stage for reaching a definite conclusion has not yet been reached.

Mr. S. Satyamurti: Will it ever come?

Sir Girja Shankar Bajpai: That is asking me to prophesy; I cannot say.

REVISION OF THE INDIAN RAILWAYS GENERAL CLASSIFICATION OF GOODS.

187. ***Mr. Akhil Chandra Datta:** (a) Will Government be pleased to state if the Indian Railway Conference Association have submitted any report and recommendation to the Railway Board on the question of the revision of the Indian Railways General Classification of Goods? If so, will Government please lay it on the table?

(b) Have Government come to any decision on the maximum and minimum charges on the Indian Railways? If so, will Government be pleased to state the scheme of revision? If not, will Government be pleased to state how the matter now stands and whether they propose to expedite the decision?

The Honourable Sir Muhammad Zafrullah Khan: (a) The Railway Board have received from the Association a communication embodying their views, which briefly are, that for the present all that is required is a simplification of goods tariffs and the adoption of measures to facilitate the speedy

quotation of accurate rates, and recommending that action should be taken in these directions. The communication was not intended for publication and I am unable, therefore, to lay a copy on the table.

(b) The matter is under consideration at present.

Mr. S. Satyamurti: May I know if Government's attention has been drawn to the recommendation of the Public Accounts Committee that it is their impression that at present the freight rates in India are so made as to facilitate import of manufactured articles and export of raw products, and whether they have examined that question?

The Honourable Sir Muhammad Zafrullah Khan: Government realise that there has been a change taking place in the kind of traffic offering for railways; that is to say, that long-lead traffic to and from the ports is being substituted by short-lead traffic regarding the internal movement of goods; and Government are taking steps to adjust their freight policy to that change.

Mr. S. Satyamurti: May I know if, in considering those steps, Government have in mind the overpowering consideration of increasing the railway revenues?

The Honourable Sir Muhammad Zafrullah Khan: Yes, Sir.

CIRCULATION OF ANNUAL REPORTS OF THE GOVERNMENT OF INDIA DEPARTMENTS TO THE MEMBERS OF THE CENTRAL LEGISLATURE.

188. ***Mr. T. S. Avinashilingam Chettiar:** (a) What are the departments of the Government of India which publish their administration reports annually?

(b) Which of the departments do not publish any reports of their work annually?

(c) Among the published reports which are circulated to the members of the Central Legislature?

(d) Are Government prepared to consider the advisability of circulating all the annual reports of the various departments of the Government of India to the members of the Central Legislature?

The Honourable Sir Henry Craik: (a) (1) Railway Department.

(2) Imperial Council of Agricultural Research.

(3) Finance Department. (Certain attached and subordinate offices.)

(4) Education, Health and Lands Department. (Certain attached and subordinate offices.)

(5) Industries and Labour Department and certain attached and subordinate offices.

(6) Home Department.

(b) (1) Foreign and Political Department.

(2) Reforms Office.

(3) Legislative Department.

(4) Legislative Assembly Department.

(5) Defence Department.

(6) Military Finance Department.

(7) Commerce Department.

(c) (1) Report of the proceedings of the Imperial Council of Agricultural Research and of all work undertaken during the year.

(2) Report on the accounts of the Imperial Council of Agricultural Research.

(3) Annual Report on the Indian Posts and Telegraphs Department.

(4) "India" (Moral and Material Progress Report).

Copies of other publications are generally placed in the Library of the House.

(d) The position regarding the supply of Government publications to Members of the Legislature has already been explained in the reply given on the 27th February, 1935, by the Honourable Sir Frank Noyce to part (d) of Mr. M. Ananthasayanam Ayyangar's unstarred question No. 121 and the reply given on the 24th September, 1935, by Mr. Clow to Mr. Joshi's starred question No. 652.

The cost of supplying all the reports to the Members of the Central Legislature would be great and some of them are on technical subjects which may not be of general interest. Government do not, therefore, propose to follow the course suggested.

Mr. T. S. Avinashilingam Chettiar: With reference to clause (b), how do Government review the work of these departments if they do not publish any annual reports?

The Honourable Sir Henry Craik: I do not think it is necessary to have annual reports in order to give Government a general conspectus of the work of departments.

Mr. T. S. Avinashilingam Chettiar: What is the way in which the public can know the work of these departments?

The Honourable Sir Henry Craik: The Honourable Member had better address the departments concerned.

Mr. M. Ananthasayanam Ayyangar: What will be the approximate cost of printing additional copies for supply to Members of the Legislature?

The Honourable Sir Henry Craik: I am afraid I have no information that will enable me to answer that question.

Prof. N. G. Ranga: Is it not a fact, Sir, that many of these publications are burnt, because there are no buyers for them?

The Honourable Sir Henry Craik: I have never heard of that.

ESTABLISHMENT OF A STANDING COMMITTEE FOR THE ARMY.

189. ***Mr. T. S. Avinashilingam Chettiar:** Government have

(a) Whether they are aware of the promise of the Army Secretary in the last Simla Session to consider the advisability of establishing a Standing Committee for the Army?

- (b) Whether Government have considered the proposal? If so, with what result?

Mr. G. R. F. Tottenham: (a) and (b). The Honourable Member is referred to the debate on this subject which took place on February 4th.

Mr. T. S. Avinashilingam Chettiar: Have they considered the Resolution of this House on the subject, Sir?

Mr. G. R. F. Tottenham: No, Sir. They have not been able to find time.

Mr. Lalchand Navalrai: May I know from the Honourable Member if Government are going to set up a Standing Committee for Army in any form at any time?

Mr. G. R. F. Tottenham: If the Honourable Member had read my speech or listened to my speech, he would have realised that there was no intention to do so at present. I cannot promise what may happen under the new Constitution.

Sardar Mangal Singh: Has there been any correspondence between the Secretary of State and the Government of India on the subject?

Mr. G. R. F. Tottenham: Yes, Sir.

Sardar Mangal Singh: Will they lay it on the table of the House?

Mr. G. R. F. Tottenham: No, Sir.

Mr. S. Satyamurti: In view of the last answer of the Defence Secretary, may I know what he means by saying that Government will not consider the Resolution, until the new Constitution starts?

Mr. G. R. F. Tottenham: I did not say that. I said that Government had not yet made up their minds formally and finally on the result of the Resolution in the Assembly.

Mr. S. Satyamurti: May I know, Sir, whether Government will consider the Resolution that has been passed *nem. con.* by this Assembly?

Mr. G. R. F. Tottenham: No doubt they will do so.

Mr. D. K. Lahiri Chaudhury: May I know how long they will take to come to a definite decision on the Resolution?

Mr. G. R. F. Tottenham: I could not say that; not very long.

COUNTRIES PUTTING BAN ON INDIAN PRODUCTS

190. Mr. T. S. Avinashilingam Chettiar: Will Government state:

- (a) what are the countries that are still putting a ban, partial or complete, over Indian products?

- (b) what negotiations are Government carrying on with any of them to remove those bans; and
(c) if so, with what results?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member is referred to the reply given by me to parts (a), (c) and (d) of his starred question No. 6 on the 2nd September, 1935. I have nothing to add to it.

Mr. T. S. Avinashilingam Chettiar: Am I to understand that after September no negotiations have been carried on with any country?

The Honourable Sir Muhammad Zafrullah Khan: The matter rests exactly where it was then. There have been no fresh developments.

TRADE NEGOTIATIONS WITH IRAN.

191. *Mr. T. S. Avinashilingam Chettiar: Will Government state:

- (a) whether it is true that Government are carrying on trade negotiations with Iran;
(b) what the purpose of these negotiations is;
(c) whether in view of these negotiations any of the present customs tariffs have been altered;
(d) whether any preference has been given to any articles from Iran and whether Iran gives any preference to Indian articles; and
(e) the effect of these negotiations?

Sir Aubrey Metcalfe: (a) Answer is in the negative.
(b)–(e). Do not arise.

APPOINTMENT OF INDIAN DELEGATES TO THE LEAGUE OF NATIONS.

192. *Sardar Mangal Singh: Will Government please state:

- (a) who is the appointing authority of the delegates to represent India on the League of Nations;
(b) who issues the letter of appointment, the Government of India or the Secretary of State;
(c) who appoints their leader and how many times Indians have led the delegation;
(d) who prepares their briefs and instructions; and
(e) to whom they submit their reports?

The Honourable Sir Nripendra Sircar: (a) and (c). The Indian delegates to the Assembly of the League including the Leader are appointed by the Secretary of State acting in consultation with the Government of India. The Leader of all delegations from 1929 to date has been an Indian.

(b) No letter of appointment is issued. A press communiqué announcing the appointments is issued simultaneously in India and England after it has been ascertained that the delegates selected are willing to serve.

(d) The briefs which constitute the instructions to the Delegates are prepared by the Secretary of State in consultation with the Government of India.

(e) The Secretary of State.

Mr. T. S. Avinashilingam Chettiar: Before appointment, is any undertaking taken from those members that they must represent only the briefs which the Secretary of State prepares for them, or are they at liberty to say what they think is right?

The Honourable Sir Nripendra Sircar: No written undertaking or verbal undertaking is taken from anybody.

Mr. T. S. Avinashilingam Chettiar: Is there an understanding?

The Honourable Sir Nripendra Sircar: Naturally that is the understanding.

Mr. T. S. Avinashilingam Chettiar: Are any non-official bodies consulted before appointments are made?

The Honourable Sir Nripendra Sircar: No.

Mr. S. Satyamurti: With reference to clause (d) of the question, may I know if the Secretary of State and the Government of India have always agreed with regard to these briefs, or have there been any case of difference of opinion, and, if so, whose opinion prevails?

The Honourable Sir Nripendra Sircar: I am not willing to give information on that point, because the communications are confidential, and it is not in the public interest to disclose them.

Sardar Mangal Singh: Will Government consider the question that the delegation to the League of Nations should be appointed by the Government of India and not by the Secretary of State?

The Honourable Sir Nripendra Sircar: We shall have to consider the constitutional position, but there is no objection to consider the situation which has been put in the question.

INDIAN STATES AND THE LEAGUE OF NATIONS.

193. ***Sardar Mangal Singh:** Will Government please state:

- (a) whether the British India alone is a member of the League of Nations or the whole of India including the Indian States;
- (b) if the whole of India is a member, do the Indian States contribute any thing to the Indian contribution to the League of Nations; if so, what amount;
- (c) whether the decision of the League of Nations and labour conventions are enforced in the States; if not, why not; and
- (d) in what States the labour conventions are enforced and to what extent?

The Honourable Sir Nripendra Sircar: (a) India, including the Indian States.

(b) The Indian States do not contribute anything.

(c) and (d). Government are not in a position to make any statement regarding action taken in those parts of India which are not included in British India.

Mr. Lalchand Navalrai: May I know from the Honourable Member why the States do not contribute anything?

The Honourable Sir Nripendra Sircar: I was asked this question once and I answered it to the best of my ability. I said that why they do not contribute or why they should contribute was mixed up with many more difficult questions as to whether they should contribute for the Army or not, and so on. I cannot say any further than what I said on the last occasion.

Sardar Mangal Singh: Who pays the expenses of this Delegation?

The Honourable Sir Nripendra Sircar: They are paid out of the revenues of the Government of India.

Sardar Mangal Singh: And who pays the expenses of the Prince who is always included in the delegation?

Mr. G. H. Spence: A Prince is not always included in the delegation.

Mr. N. M. Joshi: Who pays the expenses of the representative of the Indian States on the delegation?

Mr. G. H. Spence: The expenses of the delegation as a whole are paid from Indian revenues. The Honourable Member is incorrect in referring to the representative of the States. Every member of the delegation, including any member drawn from the States, represents India as a whole.

Sardar Mangal Singh: Is it a fact that there is always one Prince in the delegation?

Mr. G. H. Spence: There is not. There is always one person drawn from the States; he was in earlier years normally a Prince; in recent years he has not been a Prince.

Mr. S. Satyamurti: Why should the State not pay the expenses of that person at least?

Mr. G. H. Spence: I have nothing to add on that to what has been already said by the Law Member.

Mr. M. Ananthasayanam Ayyangar: Have any representations been made to the States to carry out any of the decisions passed by the League?

The Honourable Sir Nripendra Sircar: Representations made by whom?

Mr. M. Ananthasayanam Ayyangar: By the Government of India.

The Honourable Sir Nripendra Sircar: Not that I now think of—but it is possible.

Mr. M. Ananthasayanam Ayyangar: Why not, Sir?

RE-ORGANISATION OF THE INDIAN ARMY VETERINARY CORPS.

194. ***Sardar Mangal Singh:** (a) Will Government please lay on the table of this House a copy of the circular letter issued by the Army Department regarding the reorganisation of the Indian Army Veterinary Corps?

(b) Is it a fact that according to the new scheme, the Veterinary Assistant Surgeons will be recruited as Warrant Officers and will serve as such throughout their whole career?

(c) Will Government please state whether it is a fact that the Veterinary Assistant Surgeons serving before the 15th January, 1935, were recruited on the express condition that they would be eligible for promotion up to the rank of Risaldar Major?

(d) Is it a fact that under the new scheme the Veterinary Assistant Surgeons serving before 1935 have been deprived of the right of the promotion to the rank of Risaldar Major without any corresponding compensation?

(e) Is it a fact that in no other similar case such as I. M. D. and I. A. S. C., the right of promotion to the highest rank provided under the regulations has been taken away?

(f) Will Government please state whether they are prepared to reconsider their case and restore to them the right of promotion to the rank of Risaldar Major or suitably compensate them in any other manner? If not, why not?

Mr. G. B. F. Tottenham: (a) A copy of the letter is laid on the table.

(b) Yes.

(c) No. The rank of Risaldar Major was only introduced in the Indian Army Veterinary Corps in 1924, and it was then laid down that it might be conferred in special cases on officers of exceptional merit up to a maximum of five.

(d), (e) and (f) There was no such right.

Regr. No. 1950-Q(A. D. 5).

No. 31799/1/Q-11.

GOVERNMENT OF INDIA.

ARMY DEPARTMENT.

Simpla, dte. 23rd June, 1935.

To
The Quartermaster General in India.

Indianization in the Army Veterinary Service in India.

The Secretary of State has sanctioned, with effect from the 15th January, 1935, the following changes in the organization of the Indian Army Veterinary Corps:

(a) The progressive reduction of the British cadre of the Indian Army Veterinary Corps of officers from 42 to 37.

(b) The progressive increase of the Indian Cadre up to a total of 60 Indian Commissioned officers.

(c) The reduction in the number of Veterinary Assistant Surgeons from 126 to 94.

2. The method of effecting gradual replacement of personnel to readjust the existing cadre is shewn in the enclosure to this letter. This is based on normal wastage.

3. The terms and conditions of service of Indian Commissioned Officers, are as follows:

(a) The rates of pay for the officers up to the rank of Captain are given in Army Department letter No. B-28060 (A. G. 10), dated the 22nd February, 1935; and Army Instruction (India), No. 42-1935.

The rates of pay for Majors and senior ranks of the Indian Army Veterinary Corps are still under consideration.

(b) Conditions of service in regard to:

(i) Qualifications, (ii) Entrance examination, (iii) Promotion, (iv) Retirement, (v) Leave, } are laid down in Army Department letter No. 21505-3/Q-11, dated 23rd October, 1934, on the subject of employment of Indians as commissioned officers in the Indian Army Veterinary Corps.

4. *Veterinary Assistant Surgeons.*—From the 15th January, 1935, all Veterinary Assistant Surgeons will be enrolled and serve as warrant officers. No promotions will be made to Risaldar Major, when vacancies occur and the appointments thus lapsing will be replaced by appointments to be filled by Indian Commissioned officers.

Jemadars will continue to receive promotion to Risaldar up to a proportion of 18 per cent. of the total establishment of Viceroy's Commissioned officers serving.

Warrant officers serving before the 15th January, 1935, will be promoted to Jemadar after five years' service in accordance with their agreements, and will draw the new incremental pay (see sub-paragraph (c) below).

Conditions of service for Warrant Officers, Indian Army Veterinary Corps.

(a) *Qualifications* will remain as at present laid down in Veterinary Regulations, India.

(b) *Enrolment.* Warrant officers, Indian Army Veterinary Corps, will be enrolled for 21 years which may be extended in special cases. They will be given the option of leaving the service after 10 years' service (see sub-paragraph (d) below).

(c) *Pay.* The rates of pay will be:

	Rs.
Initial	60-3-90
After 10 years	90-5-115
After 15 years	115-10-185

(d) *Gratuity.* A gratuity of 1 month's emolument for each completed year of service will be payable to Warrant Officers retiring after 10 years' and with less than 15 years' service.

(e) *Pension.* The rates of pension will be published later.

(f) *Invalid pensions and gratuity.* Invalid pension and gratuity will be payable as laid down in paragraph 209, Pension Regulations for the Army in India.

- (g) *Honorary Rank.* The honorary rank of Risaldar will be granted to Warrant Officers retiring after 21 years' service and the honorary rank of Jemadar to those retiring after 15 years' and with less than 21 years' service.

I am, Sir,

Your most obedient servant,

(Sd.) A. F. R. Lumby,

Lieutenant-Colonel,

Depy. Secy. to the Govt. of India.

No. 31799/2/Q.-11.

Copy of the above forwarded to the Financial Adviser, Military Finance (with reference to his unofficial No. 3531/Q.-A. of 1935), for communication to the Military Accountant General, the Director of Army Audit, all Controllers of Military Accounts; the Chief of the General Staff; the Adjutant General in India; the Master-General of the Ordnance in India; the Engineer-in-Chief, Army Headquarters, the Military Secretary, Army Headquarters, the Air Officer Commanding, Royal Air Force in India.

(Sd.) A. F. R. Lumby,

Lieutenant-Colonel,

Depy. Secy. to the Govt. of India.

Gradual replacement of personnel to readjust existing cadre establishments.

Years.	British Cadre.			Indian Cadre.									
	British officers.			British officers.			Indian Commissioned officers.			Veterinary Assistant Surgeons.			
	Remaining establishment.	Decrease.	Total establishment.	Remaining establishment.	Decrease.	Total establishment.	Remaining establishment.	Increase.	Total establishment.	Remaining establishment.	Increase (W. O.).	Decrease (V. O. O.).	Total establishment.
1935	42	...	42	22	1	19	...	10	10	126	...	3	128
1936	42	...	42	19	...	19	10	4	14	129	...	5	118
1937	42	1	41	19	...	19	14	6	17	118	...	4	114
1938	41	1	40	19	...	19	17	3	20	114	3	5	112
1939	40	...	40	19	...	19	20	3	23	112	5	8	109
1940	40	...	40	19	...	19	23	3	26	109	6	9	106
1941	40	1	39	19	...	19	26	3	29	106	2	4	104
1942	39	...	39	19	2	17	29	4	33	104	6	8	102
1943	39	...	39	17	1	16	33	4	37	102	8	11	99
1944	39	1	38	16	...	16	37	4	41	99	3	6	96
1945	38	1	37	16	...	16	41	3	44	96	4	6	94
1946	37	...	37	16	5	11	44	5	49	94	9	9	94
Total increase or decrease	...	5	...	...	11	...	...	40	...	...	78	...	...

*The remaining 11 British Officers will waste out by about 1956, being replaced by I. O. Os.

Sardar Mangal Singh: Is it not a fact that they were eligible for the rank of Risaldar Major?

Mr. G. B. F. Tottenham: I have just said that it was laid down that the rank of Risaldar Major might be conferred in special cases on officers of exceptional merit up to a maximum of five.

Sardar Mangal Singh: That right has now been taken away without providing for any corresponding compensation.

Mr. G. B. F. Tottenham: It was not a right, it was a concession and there has been considerable corresponding compensation in the fact that a large number of Indians are now eligible for commissions in the Indian Army Veterinary Corps, which was not previously the case.

TERMS OF AGREEMENT CONCLUDED WITH THE MOHMANDS.

195. ***Sardar Mangal Singh:** (a) Will Government please state the terms of agreement concluded with the Mohmands?

(b) Will Government please state whether:

(i) the new road from Yusafkhel to Nahakki has been left unprotected; and

(ii) they have obtained any guarantee from the tribal Chiefs that this road would be kept in a good condition?

(c) Who will be responsible for its repairs?

(d) Will Government please state whether it is a fact that one of the demands of the Mohmand Jirga was the restoration of the Shahid Ganj Mosque to the Muslims? If so, what reply Government gave to them?

Sir Aubrey Metcalfe: (a) The terms of the agreement executed by the Maliks on behalf of the Mohmands on the 15th October, 1935, are as follows:

"(i) We and our tribe will maintain friendly relations with the British Government and with the friends of the British Government.

(ii) We will be responsible for the unlawful action of outlaws from British Territory and bad characters and *hamsayas* of our tribe against Government and against the friends of Government."

(b) (i) Yes. It was explained to the tribe that Government had no intention of protecting this portion of the road, and that they would not be responsible for the safety of tribesmen using it.

(ii) No.

(c) The road being constructed out of the rocky hill-side would ordinarily speaking not call for maintenance, and would not be maintained in the ordinary sense of the word. At the same time, Government, if need should arise, held itself free at any moment to undertake such repairs as might be necessary. This was explained to the tribe.

(d) Yes. The tribe were informed that the feelings of Muslims in the matter were fully realised and that all possible steps were being taken to bring about reconciliation and a settlement of this affair.

Mr. Lalchand Navalrai: Is there any promise given to them in case there is no agreement between the parties, if there is no reconciliation?

Sir Aubrey Metcalfe: I have explained to the House what information was given to them, and I have nothing to add to that.

Mr. Balchand Navahai: This arises with regard to clause (d)—this is not covered by the answer given.

CREATION OF AN AGRICULTURAL CREDIT DEPARTMENT BY THE RESERVE BANK OF INDIA.

196. ***Mr. Akhil Chandra Datta:** (a) Has the Reserve Bank of India created a Special Agricultural Credit Department as contemplated by section 54 of the Reserve Bank of India Act, 1934?

(b) Has any expert staff been appointed under sub-section A of that section? If so, have any questions been formulated for their study?

(c) What action, if any, has been taken under sub-section B of that section?

The Honourable Sir James Grigg: Mr. Darling was appointed on special duty to report on the Co-operative and Agricultural Credit Movements to the Reserve Bank in order to assist the Bank in the formation of the Agricultural Credit Department. His reports are still being considered by the Bank which has asked the Government of India to obtain from Local Governments further information regarding Co-operative Banks and Credit Societies and other agencies engaged in the business of money-lending. The Bank propose to formulate their proposals for the creation of the Agricultural Credit Department when this further information is available.

EDUCATIONAL SCHEMES IN CONNECTION WITH PROPOSED AGRICULTURAL DEPARTMENT.

197. ***Mr. Akhil Chandra Datta:** Have the Government of India received the views of the local Governments on the educational schemes recommended by Mr. M. L. Darling in connection with proposed Agricultural Department? If so, have Government formulated their decision thereupon?

The Honourable Sir James Grigg: As I have just stated, Sir, Mr. Darling's report was made to the Reserve Bank and is under the consideration of the Bank. Mr. Darling also reported on the Co-operative Movement in individual provinces and his reports have been sent to Local Governments. It is for Local Governments to take such action on these reports as they consider necessary. I might remind the Honourable Member that the Government of India have granted Rs. 15 lakhs to be distributed among the provinces for the purpose, among others, of co-operative education.

RURAL UPLIFT GRANT SET ASIDE FOR THE DEVELOPMENT OF CO-OPERATIVE MOVEMENT.

198. ***Mr. Akhil Chandra Datta:** (a) Will Government please state how do they propose to spend the amount of 15 lakhs of rupees which has been set aside for developing the co-operative movement out of the amount of one crore of rupees granted for the rural uplift?

(b) Have Government issued any instructions as to the propaganda which the Government of Bengal propose to carry on through mass meetings in the village? What are the different subjects on which lectures are made in these mass meetings?

(c) Have Government issued any instructions as to the character of the news, instructions, and propaganda talks when the Bengal Government propose to deal with Midnapur district through wireless transmission?

(d) Will Government be pleased to state if any village halls and libraries have been established and if any village play grounds have been constructed out of the amount of one lac and eighty thousand which the Government of Bengal has set aside out of the grant of 16 lacs made to them for rural development? Has any firm or dairy or workshop been attached to any village schools out of that fund?

The Honourable Sir James Grigg: (a) The allocation of the grant of Rs. 15 lakhs set apart by the Government of India for assisting the Co-operative Movement in the provinces has been made generally on the basis of the strength of membership of primary societies in each province. The amounts allotted to Local Governments are to be spent on approved schemes covering a period of three to five years for the training of the staff and for instructing members of Co-operative Societies in the elementary principles of co-operation.

(b) and (c). No.

(d) The Local Governments have been requested to furnish reports as to the actual progress of the schemes, and these reports will in due course be laid before the House.

Mr. S. Satyamurti: Are Government aware that the Government of Bengal propose to carry on propaganda through mass meetings in villages—clause (c) of the question?

The Honourable Sir James Grigg: The answer to that is no.

Mr. S. Satyamurti: Are Government aware that such mass meetings are contemplated by the Local Government?

The Honourable Sir James Grigg: No, I was not aware of that.

RURAL UPLIFT GRANT ALLOCATED AS DISCRETIONARY GRANTS TO THE COMMISSIONERS AND DISTRICT OFFICERS.

199. ***Mr. Akhil Chandra Datta:** Will Government please state how the amount of two lacs seventeen thousand and eight hundred which has been allocated as discretionary grants to the Commissioners and District Officers has actually been spent?

The Honourable Sir James Grigg: As stated on page 10 of the statement which was circulated to the Honourable Members in September last, the amounts allocated to the Commissioners and District Officers will be spent by them only on supplementary projects within the intention of the grant. As the amount at the disposal of each officer will be a small one, the Government of India leave it to the Local Governments to see that the amounts are properly utilised. They do not, therefore, propose to call for any details of expenditure under this particular item.

SCHOLARSHIPS GRANTED FOR STUDIES ABROAD.

200. ***Mr. Akhil Chandra Datta:** Will Government be pleased to enumerate exhaustively the different scholarships given by the Government of India for sending men abroad from India for studies in different departments together with the value of each scholarship?

Sir Girja Shankar Bajpai: A statement giving the information asked for by the Honourable Member is laid on the table.

Statement showing the scholarships awarded by the Government of India for study abroad.

Nature of the scholarship and Department awarding it.	Value of the scholarship.	Period of scholarship.	Whether annual or periodical.	Remarks.
1. Education, Health and Lands, Central State Scholarship (for higher studies).	Ranging from £216 to £385 per annum.	Three years	Annual	This scholarship is awarded every year to a student who is by birth or domicile a native of territory under the administrative control of the Government of India, including Aden, Delhi, Ajmer-Merwara, Baluchistan, Bangalore, or any administered area in an Indian State.
2. Railway Department (Training in the Mechanical Engineering (Power) and Electrical Engineering Departments of the Superior Revenue Establishment of the State Railways).	£250 per annum	From 2 to 2½ years.	Whenever necessary.	This scholarship is granted to special class apprentices recruited for training in the Mechanical Engineering (Power) and Electrical Engineering Departments of the Superior Revenue Establishment of the State Railways. The scholarship awarded for Mechanical Engineering is tenable for two years while that for Electrical Engineering for two and a half years.
3. Industries and Labour Department. (Training in Printing and Allied Trades).	£240 per annum	Three years	Annual	This scholarship is awarded to apprentices who have had about two years training in the Government of India Presses.
4. Industries and Labour Department. (Training in Aviation).	£240 per annum till 1954-55. From 1955-56 £216 per annum.	Two to Three years.	From time to time as required.	Scholars are trained abroad from time to time according to the requirements of Government.

APPOINTMENT OF TWO EXPERTS TO THE INCOME-TAX ENQUIRY COMMITTEE.

201. *Mr. Akhil Chandra Datta: Will Government be pleased to state:

- whether the two expert Advisers, Messrs. C. V. Ayers and S. P. Chambers, appointed to conduct a review of the Indian income tax system and administration have any previous experience of India and the Indian system;
- how long have they been in actual touch with the Income Tax System and administration in England;
- what were their specific duty and function in England;
- what pay did they or do they receive in England;
- what is the pay on which they have been appointed for their labour in India and whether they will get any allowance over and above their pay;
- what is the total amount set aside for meeting the expenditure of this enquiry;
- whether the Honourable the Finance Member, before making their appointment, considered whether there was anybody in India, official or non-official, competent to conduct the investigation;
- what was the principle or consideration on which these two experts were selected, and who selected them;
- whether Government have considered the advisability of associating non-official Indians with the experts to represent the views of the Indian commerce and trade and other income-tax payers, and if not, why not; and
- if Government will kindly lay on the table the whole official correspondence relating to their appointment?

The Honourable Sir James Grigg: (i) No.

(ii) For the whole of their official lives.

(iii) Mr. Ayers is a Principal Inspector of Taxes, and Mr. Chambers an Inspector of Taxes.

(iv) and (v). I would refer the Honourable Member to part (c) of my answer to question No. 168.

(vi) Something under a lakh.

(vii) A senior officer of the Indian Income-tax Department has been associated with the Enquiry.

(viii) On their suitability for the task to be performed.

(ix) I would refer the Honourable Member to what I said on the subject in the Assembly on the 4th April last.

(x) No.

Mr. S. Satyamurti: With reference to the answer to clause (vii) of the question, apart from association, what is the specific answer to the question whether the Honourable the Finance Member considered whether there was anybody in India competent to actually conduct the investigation?

The Honourable Sir James Grigg: Surely that is implicit in the answer that I have given, that the investigation is being conducted by three persons one of whom is a senior officer of the Income-tax Department in India.

Mr. S. Satyamurti: Why were not all three Indians or persons serving in India?

The Honourable Sir James Grigg: Because I wanted the benefit of outside experience from a department which has got very much more experience and for a much longer time than the department in India.

Mr. S. Satyamurti: Does my Honourable friend's country import outsiders for such investigations?

The Honourable Sir James Grigg: When it suits them to do so.

Mr. S. Satyamurti: When did they do it last?

The Honourable Sir James Grigg: I do not know.

Mr. M. Ananthasayanam Ayyangar: Is it a fact that no competent men were available in England for a long time, and these men who have now come are third and fourth rate men?

The Honourable Sir James Grigg: No; that is absolutely untrue.

RATE CUTTING BY THE BRITISH INDIA STEAM NAVIGATION COMPANY BETWEEN CALCUTTA AND RANGOON.

202. ***Mr. Akhil Chandra Datta:** (a) Has the attention of Government been drawn to the resolutions passed in a public meeting at Albert Hall in Calcutta on the 8th November, 1935, published in *Advance* of 9th November, 1935:

(i) protesting the rate cutting by the British India Steam Navigation Co. Ltd., relating to the passengers and cargo service between Calcutta and Rangoon; and

(ii) urging Government to forthwith intervene in the matter and to enact legislation to put an end to uneconomic and ruinous competition?

(b) Have Government considered the advisability of giving effect to the aforementioned suggestions?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government have seen a newspaper report of the proceedings at the meeting referred to by the Honourable Member.

(b) Government do not think it necessary to take any action in the matter.

Mr. S. Satyamurti: May I know why? Are Government satisfied that this economic rate war should go on?

The Honourable Sir Muhammad Zafrullah Khan: I have on several occasions, during the last Session and this Session, explained the position with regard to the Calcutta Rangoon run.

RAISING THE PRICES OF PRIMARY PRODUCTS OF INDIA.

203. ***Mr. Akhil Chandra Datta:** (a) Will Government be pleased to state if since his assumption of office, the Honourable the Finance Member, has adopted and formulated any plan for raising the prices of primary products of India and if any specific measures have been adopted to give effect to the said plan?

(b) If the answer to part (a) above be in the affirmative, will Government kindly lay the same on the table?

The Honourable Sir James Grigg: I would invite the attention of the Honourable Member to the reply given by me on the 5th February, 1935, to starred question No. 22 by Mr. Lalchand Navalrai.

Mr. S. Satyamurti: Have Government's attention ever been drawn to the unanimous recommendation of the delegation which went to Ottawa and of this Assembly Committee which examined it, that they must take effective steps to raise the prices of primary products of India? Have any steps been taken at all in that direction?

The Honourable Sir James Grigg: That is a question I answered in the answer I have referred to.

Mr. S. Satyamurti: May I know what are the steps taken and what the results of those steps are?

The Honourable Sir James Grigg: That is dealt with in the answer to which I have referred. I should think one of the results of those steps is the disproportion between the prices of manufactured goods as compared with primary commodities.

Mr. S. Satyamurti: What is that result due to in the opinion of the Honourable the Finance Member?

The Honourable Sir James Grigg: That is the result of the high protective policy of the Government of India.

Mr. S. Satyamurti: When did they take those steps then?

The Honourable Sir James Grigg: At various times.

EXPENSES IN CONNECTION WITH THE LEGISLATIVE ASSEMBLY ELECTION.

204. ***Dr. Bhagavan Das:** Will Government please state:

(a) the total of the election expenses returned by the elected Members of this Assembly;

(b) the total of the election expenses returned by the candidates for election to this Assembly who failed to secure election;

(c) the total of the expenses incurred by the Government on the elections for this Assembly; and

- (d) the total of the expenses of all kinds with the names of the latter, including the salaries and allowances, etc., of the Official Members, incurred by the Government on the Delhi Session of this Assembly in January—April, 1935, and the Simla Session in September, 1935?

The Honourable Sir Nripendra Sircar: (a) and (b). The Honourable Member is referred to the statement placed in the Library of the Indian Legislature in reply to part (d) of Sir Muhammad Yakub's unstarred question No. 237, asked on the 25th March, 1935.

(c) Elections to the Indian Legislature being a provincial subject, all expenses in connection therewith are defrayed from provincial revenues and the Government of India have no information in the matter.

(d)

Nature of Allowance.	Delhi Session, 1935.		Simla Session, 1935.		Remarks.
	Official Members.	Non-Official Members.	Official Members.	Non-Official Members.	
	Rs.	Rs.	Rs.	Rs.	
Daily Allowance	19,040	1,79,590	5,800	64,320	The salaries of Official Members are a charge on provincial revenues.
Travelling Allowance	3,347	37,518	5,440	44,355	
Road Mileage	71	1,039	40	757	
Conveyance Allowance	425	13,692	..	..	
Motor Haulage	2,170	23,943	..	..	
Total	25,053	2,55,782	11,280	1,09,432	

Dr. Bhagavan Das: May I know, Sir, if the Official Members have to undergo out-of-pocket expenses corresponding in any way with the election expenses which the Non-Official Members have to undergo?

The Honourable Sir Nripendra Sircar: No, Sir; officials have not to incur expenses, but, of all kinds of expenses Non-Officials have to incur, we really have no idea.

Mr. S. Satyamurti: Are Government considering any proposals to fix any maximum of election expenses?

The Honourable Sir Nripendra Sircar: No, Sir.

Mr. S. Satyamurti: Are Government considering any proposals to prescribe or rather fix a maximum for conveyance in connection with elections?

The Honourable Sir Nripendra Sircar: No.

Mr. M. S. Aney: May I know whether the forms of election returns were not prepared by the Government of India, and whether they do not know what items they have entered on those forms?

The Honourable Sir Nripendra Sircar: That does arise out of this, but we do know what does appear in the returns.

Mr. M. S. Aney: Can the Honourable Member then say that he has no idea of what expenses Non-Official Members have to incur?

The Honourable Sir Nripendra Sircar: No new question has been put to me.

SPENDING OF AMOUNT SANCTIONED FOR VILLAGE IMPROVEMENT.

205. ***Dr. Bhagavan Das:** Will Government please state how the sum of one crore and some lakhs of rupees sanctioned for village improvement during the current year has been and is proposed to be spent, mentioning the main heads and amounts under each, especially the amount under the head of 'salaries'?

The Honourable Sir James Grigg: I would invite the attention of the Honourable Member to the statement laid on the table of the House on the 6th September, 1935, in reply to Mr. Basant Kumar Das's starred question No. 162. Copies of the statement were also circulated to all the Members of the House.

MAKING OF EDUCATION PURPOSIVE AND VOCATIONAL.

206. ***Dr. Bhagavan Das:** (a) Have Government considered ways and means of making all lower and higher education definitely purposive and vocational, making it also prepare and train for taking up definite trades and industries and professions other than the clerical and the learned professions to which it is at present almost exclusively devoted?

(b) Have Government acquainted themselves fully with the ways and means practised in other countries, like Russia, Japan, United States of America, and now reported to have been initiated in Britain also, for giving such education?

(c) Have Government considered whether it is not possible to make the Universities responsible for giving such education to their alumni?

Sir Girja Shankar Bajpai: (a) to (c). As the Honourable Member is aware, the whole question of educational reconstruction in India was considered recently by the Central Advisory Board of Education of which my Honourable friend is a member. The recommendations made by the Board are being forwarded to Local Governments who may be expected to give them careful consideration. Like the Board the Government of India fully realise the importance of the question raised by the Honourable Member who may rest assured that the future progress of the initiative taken by the Board will be anxiously watched.

Mr. Lalchand Navalrai: May I know, Sir, if this Board has been advised to consider the question of having an equal or uniform standard of education in every Presidency?

Sir Girja Shankar Bajpai: Sir, the Board takes its own initiative in regard to all matters of this kind, and this particular point, as far as I know, has not been referred to it by anybody.

Mr. Lalchand Navalrai: Will the Honourable Member then refer this question to that Board?

Sir Girja Shankar Bajpai: Sir, my Honourable friend is free to address the Board direct.

Dr. Bhagavan Das: What are the answers to parts (b) and (c), Sir? I am sorry I could not follow them.

Sir Girja Shankar Bajpai: I gave a consolidated answer to the three parts, and I drew attention to the fact that the Central Advisory Board of Education had considered the whole question. My Honourable friend will remember that, as a Member of the Board, he drew pointed attention to the question whether what prevails in Russia, Japan and other foreign countries, had been considered by the educational authorities. After discussion of what he said and other Members had to say, we drafted a comprehensive resolution and left it to each Local Government to consider the main question in relation even to what was being done by other countries. That is the position.

Mr. Lalchand Navalrai: May I know, Sir, if the Honourable Member will be pleased to send this question and the supplementaries together with the answers to the Board?

Sir Girja Shankar Bajpai: Certainly, Sir; I will do that.

SALARIES, ETC., IN THE RESERVE BANK AND IMPERIAL BANK.

207. ***Dr. Bhagavan Das:** Will Government please state:

- (a) the salaries drawn by all the higher officers of the Reserve Bank and the Imperial Banks of this country, who draw a thousand rupees or more per mensem, and also the total amount of all such salaries;
- (b) the average rate of dividend per annum given to the shareholders in the Imperial Banks, during the last ten years, and also the number of Government servants, if any, who are shareholders in them; and
- (c) the proportion of interest and principal lost by the Reserve Bank and Imperial Banks through litigation and non-recovery?

The Honourable Sir James Grigg: (a) The salaries of the first Governor and Deputy Governors of the Reserve Bank have been fixed by the Governor General in Council under section 15(2) of the Reserve Bank Act, and are:

	Rs.
Governor	10,000 a month.
Deputy Governor	5,500 a month.

The determination of all other salaries in the Reserve Bank and of salaries in the Imperial Bank is a matter for the Banks concerned. Perhaps, I might say that I understand there is a habit in the banking world of fixing salaries free of income-tax, but the salaries of the Governor and Deputy Governors are fully subject to income-tax and super-tax.

(b) The Honourable Member will find the answer to the first part of this question in the financial press.

As regards the second part of (b) and as regards (c), Government have no information.

CONDITION OF INDIANS IN KENYA DUE TO THE SUBSTITUTION OF CASH-RENT FOR KIND-RENT.

208. ***Dr. Bhagavan Das:** Will Government please state whether they are aware that the indigenous population of Kenya where there is a considerable number of Indians, is being driven into wage-slavery because of the substitution of cash-rent for kindrent?

Sir Girja Shankar Bajpai: Government have no information, but have made enquiries, the results of which will be communicated to the House as soon as they are available.

FORMS OF OATHS OF OFFICE.

209. ***Dr. Bhagavan Das:** (a) Will Government please lay on the table the forms of all the Oaths of office, from the King's Coronation Oath or downwards, taken by the several classes of public servants, salaried or honorary, who are connected with the Government of India in any way, whether as head like the King, or as salaried super-ordinates and co-ordinates and subordinates, or as honorary and elected councillors, advisers, visitors, etc.?

(b) Do Government propose to have printed copies of such oaths displayed in large type prominently and perpetually in all the offices where the public servants concerned do their work?

The Honourable Sir Henry Craik: I lay on the table the forms of oaths taken by high officials in India. The oath of allegiance and the oath of office are taken by:

- (1) Governor General.
- (2) Governors.
- (3) Chief Commissioners.

These oaths and the oath of secrecy are also taken by:

- (1) Members of the Governor General's Executive Council.
- (2) Members of Governors' Executive Councils, and
- (3) Ministers.

All these officers may make an affirmation if they have any objection to making an oath. Members of the Legislative Assembly and the Council of State are also required to make an oath or affirmation of allegiance to the Crown as laid down in paragraph 6 of the Manuals of Business and Procedure in the Legislative Assembly and the Council of State. The Government of India are not aware of the form of coronation oath taken by His Majesty.

(b) No.

Form of Oath of Allegiance.

I, _____ do swear that I will be faithful and bear true allegiance to His Majesty, King Edward the Eighth, Emperor of India, His Heirs and Successors, according to Law.

So help me God.

Form of Oath of Office.

I, _____ do swear that I will well and truly serve our Sovereign, King Edward the Eighth, Emperor of India, in the Office of _____, and that I will do right to all manner of people after the Laws and usages of India, without fear or favour, affection or ill-will.

So help me God.

Form of Oath of Secrecy for Members of Executive Councils and Ministers.

I, _____ do swear that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration, or shall become known to me as a Member of the Executive Council in _____ Minister except as may be required for the due discharge of my duties as such Member Minister or as may be specially permitted by the Governor-General Governor.

So help me God.

Declaration made by a Chief Justice and a Judge of a High Court.

I, A.B., appointed Chief Justice (or a Judge) of the High Court of Judicature at _____, do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge and judgment.

STATE MANAGEMENT OF RAILWAYS.

210. *Dr. Bhagavan Das: Will Government state if it is a fact that they have found that the State-management of Railways is less efficient and more expensive than management by private companies?

The Honourable Sir Muhammad Zafrullah Khan: It is difficult to generalise on such a wide question particularly for all time, but there are undoubtedly obstacles to strictly business management in a State concern which do not exist in the case of a purely private one.

ABSENCE OF COVERED PLATFORMS ON THE BENARES CANTONMENT AND KASHI RAILWAY STATIONS.

211. *Dr. Bhagavan Das: Will Government please state why the Benares Cantonment and Kashi Railway Stations have been left without any covered platforms, all these decades, and that many smaller stations, nearby, like Moghal Sarai, Mirzapur, etc., have been provided with them? Are Government aware that Benares is perhaps the oldest living historical town on the surface of the earth, the most important and most crowded place of pilgrimage in the country, and is visited by princes, governors, governors-general, the king and the queen, and by tourists and orientalis from all the countries of the earth?

The Honourable Sir Muhammad Zafrullah Khan: At Benares Cantonment on the Up platform there are two verandahs each 450 feet long by 14 feet wide. On the Up platform there is a covered shed 98 feet long by 22 feet wide, and on the Down platform a shed 200 feet by 26 feet.

At Kashi the station verandah is 128 feet by 15 feet and there are two covered sheds fifty feet from the edge of the platform, one having an area of 8,140 square feet, and the other 5,450 square feet.

A greater number of passengers use Moghal Sarai than Benares Cantonment and Kashi.

Recently Rs. 11,000 was spent in providing a covered shed at Benares Cantonment. The question of rebuilding Kashi station is under consideration.

Government are aware that Benares is an important place of pilgrimage.

Pandit Lakshmi Kanta Maitra: Do Government propose to improve the platform at Benares Cantonment?

The Honourable Sir Muhammad Zafrullah Khan: I have no information on that. If the Honourable Member will approach the Agent or the Advisory Committee, he will get the information.

Dr. Bhagavan Das: Is there any chance of this reconstruction of the platforms at Benares Cantonment and Kashi stations taking place shortly?

The Honourable Sir Muhammad Zafrullah Khan: I cannot say.

Dr. Bhagavan Das: Is it not a fact that the passenger trains very often are nearly a thousand feet in length; and between the small covered verandahs and the trains there is a large open space, across which it is very inconvenient for passengers to pass in the rains and in the hot weather to get from the train into the covered verandah and vice versa?

Mr. President (The Honourable Sir Abdur Rahim): That is not a question.

Dr. Bhagavan Das: Therefore, I wish to know whether there is any chance of this reconstruction taking place shortly.

The Honourable Sir Muhammad Zafrullah Khan: The difficulty referred to by the Honourable Member is being experienced by passengers at a very large number of stations in this country.

Dr. Bhagavan Das: They are not so important as Kashi, are they?

MAINTENANCE OF THE CRIMINAL INVESTIGATION DEPARTMENT.

212. ***Dr. Bhagavan Das:** Will Government please state:

- (a) what the total number, for the whole of India and Burma, of servants of all kinds employed in the Criminal Investigation Department in so far as the Government of India are concerned, was, at the end of the financial year 1934-35; and
- (b) what the total expense was on this Criminal Investigation Department, in that year?

The Honourable Sir Henry Craik: (a) and (b). I would refer the Honourable Member to the statement which was laid on the table of this House on the 2nd September, 1935, in reply to parts (a), (b) and (c) of question No. 1071 asked by Mr. T. S. Avinashilingam Chettiar on the 27th March, 1935, which contains the required information.

GAZETTED MUSLIM HOLIDAYS OBSERVED IN THE GOVERNMENT OF INDIA OFFICES.

213. ***Seth Haji Abdoola Haroon:** (a) Will Government be pleased to lay on the table a list of Gazetted Muslim public holidays observed in the various Departments of the Government of India?

(b) Will Government be pleased to state whether that list is in force uniformly in all the provinces or some extra days are allowed in some provinces apart from those holidays notified for all India?

(c) Are Government aware that some important Islamic days are not included in the Gazetted list of public holidays in the centrally administered areas?

(d) Will Government be pleased to state whether they are prepared to add the following Islamic days to the present list of gazetted public holidays, so as to enable the Muslim staff to participate in the social and religious ceremonies:

- (i) 1st of Moharram.—New Year (Muslim) day.
- (ii) 25th of Moharram.—Akhir Chahar Shamba.
- (iii) 26th of Rajab.—Shab-i-Mairaj.
- (iv) 27th of Ramzan.—Laila-tul-Qadar.
- (v) Last Friday of Ramzan.—Juma-tul-Wida.
- (vi) 2nd of Shawal.—Day following Id-ul-Fitr.
- (vii) 9th Zilhajj.—Hajj.
- (viii) 11th and 12th Zilhajj.—2 days following Id-uz-Zuha.

(e) Are Government aware that Hindus, Parsees and Christians are granted gazetted holidays on their new year days, i.e., first day of the new year, while the Muslims have so far been deprived of it?

(f) Will Government be pleased to state whether they are aware that 27th day of Ramzan, i.e., *Laila-tul-Qadar*, Last Friday of Ramzan, 9th Zilhajj and 11th and 12th Zilhajj, are the most important days in Islamic religion?

(g) If the answer to part (f) be in the affirmative, do Government propose to include these days in the list of gazetted public holidays?

The Honourable Sir Henry Craik: (a) In the Government of India Offices that move between Delhi and Simla three days, namely, Id-ul-Fitr, Id-ul-Zuha and Muharram, are observed as closed holidays, and, in addition, Muslim employees are allowed six holidays in a year which they can take on any other occasion. The Government of India Offices that remain in Delhi all the year round follow the local practice in regard to holidays. I may add that no holidays are gazetted by the Government of India.

(b) No. There is no uniformity in this respect. Local Governments declare their own holidays under section 25 of the Negotiable Instruments Act, 1881.

(c), (d), (f) and (g). I have already explained the question of holidays in the Government of India Offices in detail in reply to Sardar Sant Singh's question No. 611 on the 23rd September, 1935. Government are aware that many days considered important by various communities are not included in the list of holidays, but a member of any community has the option of taking a holiday on important days within the maximum of six communal holidays allowed per annum. Government are unable to increase the existing number of holidays as they consider it better to have a smaller number of real holidays than a large number of holidays which for a large portion of the staff would only be nominal as was the case before the adoption of the present system.

(e) So far as the Government of India are concerned only the 1st January is observed as a closed holiday. This can scarcely be regarded as a purely Christian occasion.

EDITORIAL HEADED "NO DUMPING" IN THE INSURANCE WORLD OF CALCUTTA.

214. ***Mr. Akhil Chandra Datta:** Will Government be pleased to state:

(a) whether their attention has been drawn to the Editorial headed "No dumping" in the *Insurance World* of Calcutta in its issue of October 1935; and

(b) whether they are prepared to accept the statement contained therein as accurate, and if not, whether they propose to make an enquiry as to the accuracy of the statement on the lines suggested in the article?

The Honourable Sir Nripendra Sircar: Sir, with your permission, I propose to answer questions Nos. 214 and 215 together.

(a) Yes.

(b) I am not sure to which of the several statements made in the article the Honourable Member is referring. The main argument of the article is that if foreign offices were required to make separate valuations of their Indian business the figures would show that they were dumping their business in India. The existing insurance law in British India does

not require the production of such statistics which are consequently not available, and I am, therefore, unable to say what inference should be drawn from them.

Government do not propose to take steps immediately as the report of the Special Officer appointed to examine the question of revision of insurance law in India has been recently received and is under consideration.

The answer to part (a) of question No. 215 is in the negative.

Mr. S. Satyamurti: May I know, with regard to the answer about foreign insurance companies being compelled to give statistics of their Indian business, whether the report which the Government have received suggests an amendment of the law of insurance, at the proper time, so as to cast an obligation on companies to give that information, or, independently of that report, will Government be good enough to consider proposals to amend the law in that direction?

The Honourable Sir Nripendra Sircar: The report is confidential, and I cannot refer to it now, but I can assure my Honourable friend that this particular matter has been considered in the report and will be considered by the Government of India in connection with the draft for amending the insurance law.

GROWTH AND DEVELOPMENT OF INDIGENOUS INSURANCE BUSINESS.

†215. ***Mr. Akhil Chandra Datta:** (a) With reference to my starred question No. 465 answered on the 18th September, 1935, regarding the growth and development of Indigenous Insurance Business, will Government be pleased to state whether they have revised their opinion or reviewed the situation since then?

(b) Do Government propose to take such steps immediately as will ensure protection of the Indigenous Insurance against competition by foreign companies?

CONSTRUCTION OF THE MEGHNA BRIDGE ON THE ASSAM BENGAL RAILWAY.

216. ***Mr. Akhil Chandra Datta:** (a) Will Government be pleased to state if the construction of the Meghna Bridge on the Assam Bengal Railway has been taken in hand? If so, has the attention of Government been drawn to the frequent occurrence of floods in the areas near about the site of the proposed bridge which cause great distress to the cultivators year after year?

(b) Are Government aware that there is a misapprehension in the public mind that the condition will be worsened by the construction of the bridge?

(c) Are Government prepared to consider the desirability of making a necessary survey of the drainage conditions of the locality to ensure proper drainage before proceeding with the construction of the bridge?

The Honourable Sir Muhammad Zafrullah Khan: (a) Funds have been allotted for starting work this year. Preliminary measures are in hand. The question of floods has already been carefully considered by the Government of Bengal who have accepted the scheme.

†For answer to this question, see answer to question No. 214.

(b) Government have no information.

(c) Government do not consider further surveys necessary.

RECRUITMENT OF MUSLIM OFFICERS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

217. ***Mr. H. A. Sathar H. Essak Sait:** (a) Will Government be pleased to state the number of Muslims in the officer's rank in the Madras and Southern Mahratta Railway as against members of the other communities?

(b) Are Government prepared to issue instructions to the Railway administration to recruit Muslims in large numbers at least for some time to come until they get a reasonable proportion in those ranks?

The Honourable Sir Muhammad Zafrullah Khan: (a) The available information is contained in Appendix F to the Report by the Railway Board on Indian Railways for 1934-35, a copy of which is in the Library of the House.

(b) Government have fixed 25 per cent. for Muslims in direct recruitment to superior railway services on the Madras and Southern Mahratta Railway which the Board of Directors of that Railway have accepted. Government regret they are not prepared to go further than this. In this connection, I would refer the Honourable Member to paragraph 5 of the Memorandum of Supplementary Instructions connected with the orders contained in the Government of India, Home Department, Resolution No. F-14/17-B/33-Ests, dated the 4th July, 1934, forwarded to Railways with Railway Board's letter No. E-35-C. M.-120, dated the 9th August, 1935, a copy of which is already in the Library of the House.

RECRUITMENT OF MOPLAHS AS CLERKS AND STATION MASTERS ON THE RAILWAYS IN THE MADRAS PRESIDENCY.

218. ***Mr. H. A. Sathar H. Essak Sait:** (a) Are Government aware that Moplahs who form one-third of the Muslim population of the Madras Presidency are completely absent from the ranks of the clerks and Station Masters in the Railway systems working in that Presidency?

(b) Are Government prepared to issue instruction to the Railway administration to employ the Moplahs in large numbers until they get a reasonable proportion in those ranks?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Government have no information. As it has not been considered necessary or desirable to fix definite percentages of appointments by Provinces or particular districts of a Province on State-managed Railways they do not consider it necessary to advise Company-managed Railways to do so.

RECRUITMENT OF MOPLAHS UNDER THE POSTAL DEPARTMENT IN THE MADRAS PRESIDENCY.

219. ***Mr. H. A. Sathar H. Essak Sait:** (a) Will Government be pleased to state the number of gazetted Muslim officers under the postal department in the Madras Presidency as against members of other communities giving the number of Moplahs separately?

(b) Are Government prepared to resort to direct recruitment of Moplahs to these posts until a few of them are employed?

(c) Are Government prepared to issue instructions for their employment in large numbers regardless of their position on the waiting lists?

The Honourable Sir Frank Noyce: (a) The total number of gazetted officers under the Postal Department is 30 of whom three are Muslims. None of the latter belong to the Moplah community.

(b) The rules regarding recruitment on a communal basis to posts to which direct recruitment is made have been laid down by Government in the Home Department Resolution, Establishments, dated the 4th July, 1934, a copy of which is in the Library of the House. Moplahs belong to the Muslim community, and, as such, they are eligible for recruitment in the posts reserved for the Muslim community.

(c) The Honourable Member appears to be under a misapprehension. Whatever be the position of candidates on the waiting list, recruitment of Muslims, including Moplahs, will be made strictly in accordance with Government's orders regarding the representation of minority communities in the services.

SPECIAL TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

220. ***Mr. Lalchand Navalrai:** (a) With reference to the reply to my starred question No. 306, asked on the 18th February, 1935, will Government be pleased to state the action taken by the Agent, North Western Railway, Lahore, to whom a copy of the said question was sent?

(b) Will Government state whether it is a fact that the Railway Board had confirmed the present ticket-check policy on the North Western Railway of employing Special Ticket Examiners to run in groups of two or more in place of one Travelling Ticket Examiner in each train? If so, why is the staff still temporary and why cannot the Government direct the confirmation of the staff after usual probationary period?

(c) Are Government aware that Special Ticket Examiners recruited on the North Western Railway in the years 1926 and 1927, are still temporary? If Government have no information, do they propose to inquire into the matter? How long is it proposed to keep a large number of Special Ticket Examiners temporary?

(d) Will Government state what is the maximum duration for which an employee working against a permanent post should remain as temporary? If no such duration is fixed, are Government prepared with reference to Fundamental Rule 13, to fix a period of three years for confirmation of staff acting against permanent posts? If not, why not?

(e) Do Government propose to exercise their power of superintendence, and direct the North Western Railway Agency, to confirm the Special Ticket Examiners in their present appointments? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government are informed that the question of confirmation of Special Ticket Examiners in the grades held by them in an officiating capacity was, at the time when a copy of the question referred to and the reply given thereto was forwarded to the North Western Railway, already under consideration by that Railway and did not call for any further specific action.

(b) The arrangement for the checking of tickets on the North Western Railway is a matter for that Administration to deal with and the Railway Board's approval or confirmation of such arrangements as may be made, was, therefore, neither asked for nor given. I would, however, add, that the staff working as Special Ticket Examiners in an officiating capacity hold a lien on their substantive posts and the reason why they have not yet been confirmed is due to the delay on the part of the old Travelling Ticket Examiners in exercising the option given to them to elect either the old scales of pay or those of the Special Ticket Examiners throughout. Several Special Ticket Examiners in submitting their option at a date prior to the 31st October, 1935, did so in an ambiguous manner which necessitated further references and caused delay.

(c) Special Ticket Examiners recruited prior to 1931 were drawn from the staff already in service and the reason for the delay in their confirmation as Special Ticket Examiners is given in the reply to part (b) above. The question of confirmation is now in hand and orders will be issued by the North Western Railway shortly.

(d) Government are informed that on the North Western Railway employees are generally appointed against permanent posts on twelve months' probation, their confirmation being considered after the expiry of this period if their working, etc., is satisfactory.

(e) In view of the reply to parts (b) and (c) of this question Government do not consider it necessary to intervene.

Mr. Lalchand Navalrai: I understand that the Special Ticket Examiners have memorialised the Government of India on the allowances which they used to get before and which were reduced. May I know whether the Honourable Member has considered that question?

The Honourable Sir Muhammad Zafrullah Khan: Yes. Government have considered those memorials.

Mr. Lalchand Navalrai: May I know what is the result?

The Honourable Sir Muhammad Zafrullah Khan: The result has been communicated to the memorialists.

Mr. Lalchand Navalrai: May I know what is the reply given to the memorialists? I am asking for the information of the House.

The Honourable Sir Muhammad Zafrullah Khan: That the Government are unable to accede to their request.

PROMOTION OF GUARDS ON THE NORTH WESTERN RAILWAY.

221. ***Mr. Lalchand Navalrai:** (a) With reference to the reply to my starred question No. 303 asked on the 18th February, will Government be pleased to state whether it is a fact that the annual gross earnings of the North Western Railway have stood in the neighbourhood of Rs. 18 crores, since 1925-26 up to date? If the answer be in the negative will Government be pleased to lay on the table a statement showing figures of annual gross earnings of the North Western Railway from 1925-26 up to date?

(b) With reference to the reply to parts (b) and (c) of my starred question No. 303 asked on the 7th February 1935, will Government be pleased to state how do they justify the reduction of about 30 per cent. in the sanction of appointments of grade III and IV guards on the North Western Railway?

(c) Do Government accept the principle that the reduction in the higher grade appointments should be commensurate with the percentage of decrease in the gross earnings of a Railway? If not, why not?

(d) Will Government be pleased to state if there has been decrease in the passenger earnings or goods earnings? If the decrease is largely in the Goods Traffic, why the sanctions of guards grade III and IV has been affected?

(e) Is it a fact that the present policy of the North Western Railway Administration is to abolish every grade III and IV post which falls vacant in the near future? If so, will Government be pleased to state the minimum strength of grade III and IV guards that is desired to be achieved and the basis on which that minimum has been fixed?

(f) Is it a fact that Christians, Anglo-Indians and Europeans do not find chance for direct recruitment in grade III and IV?

(g) Is it a fact that the emoluments of employees on the North Western Railway are fixed according to the responsibilities attached to the post held by an employee? If so, how do Government justify saddling grade II guards with extra responsibility without any extra remuneration?

(h) Will Government be pleased to say when the promotions of grades II and III guards to grades III and IV respectively were last made on the North Western Railway, and when such promotions are likely to be made in the near future?

(i) Has the attention of Government been drawn to a letter No. 188, dated 2nd July 1935, from the General Secretary, North Western Railway Union addressed to the Agent, North Western Railway and published in the *Railway Herald* on the subject of policy of abolition of grade III and IV guards' posts on the North Western Railway? What steps do Government propose to take on that representation?

(j) Is it a fact that the promotions to guards' grades II, III and IV are made through the Selection Boards in the Headquarters Office of the North Western Railway, while promotions to Station Masters' grades II, III and other higher grades are made in accordance with the seniority of staff in the lower grades? If so, why are guards being treated differently?

The Honourable Sir Muhammad Zafrullah Khan: (a) I place a statement on the table showing earnings from passengers carried, goods earnings and gross earnings of the North Western Railway for the years from 1925-26 to 1934-35. It will be seen from the statement that the earnings have fluctuated considerably.

(b), (c) and (e) to (j). These are matters of detailed administration in which full powers have been delegated to the Agent, North Western Railway, who is competent to deal with them. I have, however, sent him a copy of this question for such action as he may consider necessary.

(d) As regards the first part, I would refer the Honourable Member to the reply which I have just given to part (a) of this question. As regards the second part this is a matter of detailed administration which must be left to the Agent, North Western Railway

Statement showing earnings from passengers carried, goods earnings and gross earnings on North Western Railway from 1925-26 to 1934-35.

(Figures in thousands of rupees)

Year.	Earnings from passengers carried.	Goods earnings.	Gross earnings.
1925-26	6,90,59	9,71,51	17,93,83
1926-27	6,58,87	9,88,57	17,94,63
1927-28	6,58,42	10,56,26	18,72,32
1928-29	6,34,66	10,38,40	18,27,52
1929-30	6,01,56	10,31,78	17,77,88
1930-31	5,54,58	10,07,19	16,97,88
1931-32	4,89,17	9,01,69	15,17,93
1932-33	4,85,86	8,42,78	14,68,39
1933-34	4,74,42	9,14,99	15,26,34
1934-35	4,71,36	9,77,10	15,83,84

Mr. Lalchand Navalrai: In view of the importance of this question affecting the guards, may I request the Honourable Member to get a reply from the Agent at an early date and place it before the House?

The Honourable Sir Muhammad Zafrullah Khan: The question affecting guards is no more important than the question affecting Special Ticket Examiners.

Mr. Lalchand Navalrai: The point is that guards, grades III and IV, are more or less being abolished, and, therefore, it is very important. When this question has been admitted, the House ought to know what is the reply of the Agent. Will the Honourable Member kindly get it and place it before the House?

The Honourable Sir Muhammad Zafrullah Khan: My submission is that the Agent has full power delegated to him in regard to this matter, and he is under no necessity to obtain Government's approval in regard to any action that he takes thereunder, and, therefore, I am unable to furnish the information.

Mr. Lalchand Navalrai: Is the Honourable Member aware of a ruling by the President that, when questions have been admitted by the Chair, replies should be got from the Agents and placed before the House?

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

Mr. Lalchand Navalrai: May I know from the Chair this? When we put questions, we do not get replies from the Agents direct, and we do not get them through the House either, and what is the use of putting questions then?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is giving reasons. He is not putting a question.

Mr. Lalchand Navalrai: The Honourable Member says he has sent it to the Agent, and we do not know what the Agent has done. I would request the Chair to help us, so that we can inform our constituencies what has been done.

The Honourable Sir Muhammad Zafrullah Khan: If, in due course, the Honourable Member will put down a question, with reference to the reply that I have given, whether any action has or has not been taken by the Agent, I may be able to give him an answer.

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

SENIORITY LIST OF CERTAIN CLERKS ON THE NORTH WESTERN RAILWAY.

222. *Mr. Lalchand Navalrai: (a) With reference to the reply to my starred question No. 309 asked on the 18th February, 1935, will Government please state at what decision the Agent, North Western Railway has arrived, as a result of his examination of the proposal to combine the seniority list of clerical staff in grade IV and above employed in Divisional and Headquarters Offices?

(b) If the decision is unfavourable to the combination of seniority list, will Government be pleased to state the reasons for such a course?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Government are informed that the proposal was re-examined and after careful consideration of the various factors bearing on this question, it was decided that a combined seniority list for the clerical staff of the Headquarters, Divisional and Extra-Divisional Offices would not be desirable in the interests of the Administration.

SURPLUS OFFICE SUPERINTENDENTS ON THE NORTH WESTERN RAILWAY.

223. *Mr. Lalchand Navalrai: (a) With reference to the reply to parts (a) and (b) of my starred question No. 991 asked on the 25th March, 1935, regarding surplus office Superintendents on the North Western Railway, will Government be pleased to state the action taken by the Agent, North Western Railway, Lahore, to whom a copy of the question was sent?

(b) Is it a fact that when members of the Christian, Anglo-Indian and European communities are officiating in higher appointments, these posts though surplus are retained, as was the case alleged in parts (a) and (b) of my starred question referred to in part (a) above? If so, what are the reasons for this discrimination? If the answer be in the negative, how do Government justify the allegations made in that question?

(c) Is it a fact that during the last few years the policy on the Indian Railways has been to abolish redundant posts and to revert temporary staff? Did this policy affect only Indians or other communities as well? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government have no information. As already stated in reply to parts (a) and (b) of question No. 991 referred to, the Government are not prepared to interfere in the matter.

(b) Government have no reason to believe that such is the case. The latter parts of the question do not arise.

(c) Yes, it has been the policy to abolish redundant posts and to deal with the incumbents of such posts, whether permanent or temporary, on their merits. This policy applies to all communities alike.

POWER OF PLACING ON LEAVE AN EMPLOYEE NOT SUFFICIENTLY CONVERSANT WITH THE RULES ON THE NORTH WESTERN RAILWAY.

224. *Mr. Lalchand Navalrai: (a) Will Government be pleased to state whether it is a fact that the Assistant Transportation Officers on the Karachi Division of the North Western Railway, exercise the powers of declaring an employee as insufficiently conversant with railway rules and place him on leave with or without allowances, till he passes such a test?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to refer to part (d) of the answer laid on the table of the House on the 21st January 1935 in reply to my question No. 630 asked on 15th August 1934, and para. 3 of the Agent, North Western Railway, Lahore, letter No. 293-E/34, dated 25th August, 1934, to the General Secretary, North Western Railway Union wherein it has been definitely stated that only a Divisional Transportation Officer, if personally satisfied that a particular employee is not sufficiently conversant with the rules, can place him on leave with or without allowances? Why was this infringement of the rules made?

(c) Are Government aware that the Karachi Branch of the North Western Railway Union did point out to the Divisional Superintendent, North Western Railway, Karachi, and the Agent, North Western Railway, Lahore, the infringement of the orders in a representation in June last but no action has so far been taken? If so, why?

The Honourable Sir Muhammad Zafrullah Khan: Government understand that the position is as follows:

(a) On the Karachi Division guards are tested triennially in train working and if they fail to pass the test they are not put back to duty until they qualify. Such tests are conducted by the A. T. O.'s but if the guards are finally considered unfit by the A. T. O.'s they are put before the Divisional Transportation Officer to be tested.

(b) Prior to the issue of letter No. 293-E./34, dated the 25th August, 1934, to the General Secretary, North Western Railway Union, the instructions issued by the Agent, North Western Railway, on the subject of tests of station staff and guards required that such tests should be carried out by 'responsible officers'. In describing the practice to the Union it was not the intention to insist on each test of a guard in train working being carried out by an officer of Divisional rank but it was the intention that all failure should be brought

to the Divisional Officers' notice before putting the individual on leave with or without allowances until such time as he was able to pass. Through an oversight, however, instructions to this effect were not issued and this is being done now.

- (c) A letter from the Karachi Branch of the Union was received by the Divisional Superintendent, Karachi, who, however, explains that as a copy of the Agent's letter to the General Secretary, North Western Railway Union, quoted above had not been supplied to him and no infringement of the rules was taking place no further action was taken by him. Government understand that no letter from the Karachi Branch of the Union in this connection was received by the Agent's Office.

ASSISTANCE FROM THE RAILWAY FUNDS TO EMPLOYEES OF STATE RAILWAYS TOWARDS THE EDUCATION OF THEIR CHILDREN.

225. *Mr. Lalchand Navalrai: (a) Will Government be pleased to refer to para. (3) of the rules governing the grant of assistance from the Railway funds to employees of State-managed Railways, towards the education of their children, issued under the Railway Board letter No. 4288, dated the 22nd September, 1930, and state if this allowance is permissible to an employee stationed at a place from where the school of the requisite standard is situated at a distance of one, two or three miles?

(b) Is it a fact that the Karachi Branch of the North Western Railway Union had made a representation to the Divisional Accounts Officer, North Western Railway, Karachi, that the words used in the rules were 'at the station' and Schools of requisite standard at distances of one or two miles could not be considered schools at the station where an employee is posted and therefore assistance was due in such cases?

(c) Is it a fact that since June 1934, the Union is given the stereotyped reply that the matter is under consideration of the Agent? If so, do Government propose to expedite decision on the subject?

The Honourable Sir Muhammad Zafrullah Khan: (a) No. In this connection, I would refer the Honourable Member to the reply given to starred question No. 6 asked by Mr. M. Maswood Ahmad in this House on the 24th January, 1934. The matter is, however, under consideration in connection with the general policy for assistance from railway funds to railway employees for education of their children.

(b) and (c). Government have no information. I have, however, forwarded a copy of this question to the Agent, North Western Railway, for information and such action as he may consider necessary.

Mr. Lalchand Navalrai: I want a specific answer to the last part of (a). Will Government state if this allowance is permissible to an employee stationed at a place from where the school of the requisite standard is situated at a distance of one, two or three miles?

The Honourable Sir Muhammad Zafrullah Khan: I have already given an answer that the matter is under consideration in connection with the general policy of giving assistance from railway funds to railway employees for the education of their children. This matter will be considered along with the rest.

PROVISION FOR ACCUMULATION OF LEAVE BY INFERIOR AND DAILY-RATED STAFF ON THE NORTH WESTERN RAILWAY.

226. *Mr. Lalchand Navalrai: (a) Will Government be pleased to refer to paragraph 83, sub-paragraph (ii) of the Railway Board's Report for the year 1932-33 Volume I and state what action the North Western Railway Administration have taken to review from time to time the provisions of the Revised State Railways Leave Rules? If not, why not?

(b) Are Government aware that the revised State Railways leave rules do not provide for accumulation of leave by inferior and daily rated staff? If so, do Government propose to amend the rules to provide for accumulation of leave by these classes of staff?

(c) Are Government aware that the labour on the North Western Railway is generally imported from long distances and employees proceed to their homes after three or four years and without the provision of accumulation of leave, they are unable to take advantage of the amount of leave admissible in a calendar year?

(d) What were the reasons for treating the inferior and daily-rated staff so fundamentally different than the subordinate staff in the matter of leave admissible under the Revised State Railways Leave Rules?

(e) Will Government be pleased to state the names of the departments under the control of the Government of India where the facility for accumulation of leave is denied to staff? If no such precedent exists what are the reasons for this different treatment to the railway employees, and whether Government propose to amend these rules?

The Honourable Sir Muhammad Zafrullah Khan: (a) The working of the new State Railway Leave Rules has been reviewed by the North Western Railway.

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

(c) Government have no reason to believe that the majority of the labour staff on the North Western Railway are imported from long distances nor that the staff concerned are unable to take advantage of the amount of leave admissible to them under the leave rules.

(d) Government consider that a reasonable annual holiday is sufficient for persons employed on manual labour, or in inferior service and for daily rated employees who are generally of similar classes.

(e) Government are aware of the divergence of practice in respect of inferior staff between the New State Railway Leave Rules and the new leave rules issued by the Finance Department but they do not propose to amend these rules for the reasons given in reply to part (d) of this question.

SICK LEAVE TO THE INFERIOR AND DAILY-RATED STAFF ON THE NORTH WESTERN RAILWAY.

227. *Mr. Lalchand Navalrai: (a) Will Government be pleased to state whether it is a fact that under the revised State Railways Leave Rules of 1931, employees in the inferior and daily-rated categories on the North Western Railway are not entitled to any sick leave if they happen to have less than ten years service to their credit? If so, why has no provision been made for sick leave in their case?

(b) Do Government propose to amend the rules so as to allow sick leave to employees having less than ten years service? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) The reply to the first part of the question is in the affirmative. I would, however, add that the rules referred to are applicable also to inferior and daily rated staff on all the other State-managed Railways and to similar staff on such Company-managed Railways as have adopted these rules. As regards the latter part, Government consider that a reasonable annual holiday is sufficient for persons employed on manual labour and to inferior servants and daily rated employees.

(b) Government do not propose to amend these rules in view of the considerable additional expenditure which would be involved.

EMPLOYEES DISCHARGED FROM SERVICE ON THE NORTH WESTERN RAILWAY.

228. *Mr. Lalchand Navalrai: (a) With reference to the reply to parts (b), (c) and (d) of my starred question No. 310 asked on the 18th February 1935, are Government aware that the information asked for is readily available with the North Western Railway *vide* half-yearly statement prepared on the form given in Annexure (b) to the Agent's circular No. 1-A, of 1930, regarding the discharge and dismissal rules of the State-Railways non-gazetted Government servants? Are Government now prepared to give the required information?

(b) Will Government be pleased to state whether an employee, who is likely to be discharged, or whose offence is grave enough to lead to the consideration of the question of his discharge from service, is apprised of this fact by asking him to show cause why he should not be discharged in the charge sheet to make him realize the gravity of the situation? If not, are Government prepared to issue necessary instructions for doing so? If not, why not?

(c) Is it a fact that the Railway Board had under consideration the question as to whether an employee who is discharged from service should be informed of the reasons which led to his discharge so that he could send an intelligent appeal? If so, what decision was taken in the matter?

The Honourable Sir Muhammad Zafrullah Khan: (a) I place a statement on the table giving information readily available for the period from 23rd June, 1930 to 30th June, 1935. Information for the half year ending 31st December, 1935, is not readily available.

(b) Government are informed that necessary orders are already in existence on the North Western Railway in respect of staff with more than seven years' service who may be discharged from service and orders in respect of staff with less than seven years service are being issued.

(c) Under the "Rules regulating discipline and rights of appeal of non-gazetted Railway Servants", a copy of which is in the Library of the House, a railway servant charged with an offence, the maximum penalty for which is removal from service, is given an opportunity to submit his explanation and is allowed reasonable facilities for the preparation of his defence before the penalty is actually imposed. In the circumstances Government do not consider it necessary that the reasons for discharge should be stated in the letter communicating the orders of discharge to the employee concerned. Government reserve the right to remove from service, a railway servant under the terms of his agreement.

Statement showing the Number of men discharged; the number of such discharged employees who appealed, and the number of appeals accepted, during the period 23rd June 1930 to 30th June 1935 on the North Western Railway.

Divisions.	Number of men discharged.	Number of such discharged men who appealed.	Number of appeals accepted.
Delhi	593	123	17 + 4 under disposal.
Ferozepur	20	13	1
Karachi	192	59	6 + 1 under disposal.
Lahore	411	75	12
Multan	150	28	1
Quetta (up to 31st December 1934 only)	26	11	2
Rawalpindi	337	58	6
Workshops	148	64	2
Total	1,787	431	47 + 5 under disposal.

Mr. Lalchand Navalrai: Will the Honourable Member let me know how the person who is going to be dismissed is going to satisfy the authorities if he is not informed of the charge against him?

The Honourable Sir Muhammad Zafrullah Khan: I have already said that the railway servant is given an opportunity to submit his explanation and is allowed reasonable facilities for the preparation of his defence before the penalty is actually imposed. My reply was that, in the letter communicating to him that he is being discharged, it is not necessary to repeat what he is being discharged for, inasmuch as he already knows it.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member inform the House why a difference is made in the treatment of persons with seven years' service and persons with ten years' service.

The Honourable Sir Muhammad Zafrullah Khan: I have not stated that a difference is made between ten years' and seven years' service.

Lieut.-Colonel Sir Henry Gidney: Am I right in assuming that a railway servant with seven years' service is treated differently in the matter of discharge?

The Honourable Sir Muhammad Zafrullah Khan: The question is too vague. If the Honourable Member will put down a question, I will give him an answer.

Lieut. Colonel Sir Henry Gidney: Where is the vagueness of this question. There is a difference of three years.

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member will put down a question, I will give him an answer.

LIMITATION OF POWER OF DISCHARGE BY A SENIOR RAILWAY OFFICER.

229. ***Mr. Lalchand Navalrai:** (a) With reference to replies given to starred questions Nos. 555 and 558 asked by Bhai Parma Nand on the 26th February 1935, will Government be pleased to refer to the concluding portion of paragraph 3 of the Service agreement executed by the employees on the North Western Railway, which lays down that an appointing authority only has the power to suspend, dismiss or otherwise punish an employee, and state why, in practice, a Senior Scale Officer discharges an employee irrespective of the scale of his pay?

(b) Do Government propose to amend rules so as to limit the power of discharge by a Senior Scale Officer, of employees whose posts are controlled by the Divisional Superintendent? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: I have called for certain information and will lay a reply on the table of the House, in due course.

RACIAL DISCRIMINATION IN THE MATTER OF SUPPLY OF BOX PORTERS TO FIREMEN ON THE NORTH WESTERN RAILWAY.

230. ***Mr. Lalchand Navalrai:** (a) Is it a fact that only European, Anglo-Indian and Christian Firemen of grade III are given the services of Box Porters on the North Western Railway? If so, why is this service denied to Indian Firemen?

(b) Will Government be pleased to refer to paragraph 84 of the Railway Board's report for the year 1932-33, on the 'elimination of racial discrimination' wherein it has been claimed that the racial discrimination has been practically removed in all directions from the State-managed Railways, and state how do they justify the racial discrimination prevailing on the North Western Railway in the matter of supply of Box Porters?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government are informed that Box Porters are not provided at every station (e.g., when running rooms are close to sheds); but where Box Porters are provided their services are available to all Firemen, Grade III, irrespective of community.

(b) Does not arise.

UNIONS OF RAILWAY EMPLOYEES.

231. ***Mr. Lalchand Navalrai:** Will Government be pleased to state:

(a) the number of Railway Employees Unions in India and their names;

(b) which of these Railway Unions are recognized by their respective Administrations, and why the rest are not recognized;

(c) which Railways have two recognized Unions on their Railway for the same categories of staff; and

(d) what is the policy in regard to recognition of more than one Union of Employees on one Railway?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (d). From the information readily available, I lay on the table a statement giving the necessary particulars of Railway Unions understood to be in existence at present on the principal railways in India. Government are not aware of the reasons for the non-recognition of the un-recognised unions. I would, however, refer the Honourable Member to the information laid on the table of the House on the 21st January, 1935, in reply to starred question, No. 480, asked by Lieut. Colonel Sir Henry Gidney, in the Legislative Assembly, on the 14th March, 1934, from which it will be observed that the recognition of particular unions is a matter for the Agents of railways though the Railway Board will consider an appeal if submitted by a labour union in the event of the Agent of a State-managed Railway refusing to grant recognition.

(c) Government have no information beyond what is given in the statement, which I have just laid on the table [in reply to parts (a), (b) and (d) of this question].

Statement giving particulars of Railway Unions understood to be in existence at present on the principal Railways in India. (Based on information received during May and June 1935).

Railways.	Name of Unions.	Whether recognised or not.
Assam Bengal	A. B. Railway Indian Employee's Association.	Not recognised.
Bombay, Baroda and Central India.	B., B. & C. I. Railway Employee's Union, Parel, Bombay. B., B. & C. I. Railway Employee's Association, Ahmedabad.	Recognition withdrawn in December 1934. Recognised.
Bengal and North Western.	B. & N. W. Railwaymen's Association.	Recognised.
Burma	Burma Railway Employees' Union National Union of Railwaymen of India and Burma.	Not recognised. Not recognised.
East Indian	East Indian Railwaymen's Union, Lucknow. Railway Staff Union, Moradabad E. I. Railway Union, Khagaul E. I. Railway Workers' Union, Lil-loah E. I. Railway Employees' Association National Union of Railwaymen of India and Burma All-India and Burma Covenanted non-gazetted Railway Services Association Railway Press Workers' Union Anglo-Indian and Domiciled European Association, Calcutta Muslim Employees' Association, E. I. Railway, Calcutta Muslim Unemployed Union, Delhi.	Recognised. Not recognised. Not recognised. Not recognised. Not recognised. Recognised. Recognised. Not recognised. Not recognised. Not recognised. Not recognised.

Railways.	Name of Unions.	Whether recognised or not
Great Indian Peninsula	All-India and Burma Covenanted Non-gazetted Railway Services Association	Recognised.
	National Union of Railwaymen of India and Burma	Recognised.
	G. I. P. Railway Workers' Union, Bombay	Not recognised.
	G. I. P. Railway Administrative Executive offices Staff Union, Bombay	Recognised.
	G.I.P. Railway Muslim Employees' Association	Not recognised.
	All-India Muslim Railway Employees' Association	Not recognised.
	The New G. I. P. Railway Staff Union, Bombay	Recognised.
	G. I. P. Railway Labour Union	Not recognised.
	M. & S. M. Railway Employees' Union	Recognised.
	N. W. Railway Union	Recognised.
Madras and Southern Mahratta Railway.	N. W. Railway Accounts Union	Recognised (by the C. A. O., N. W. Railway.)
	Association of Accountants	Ditto.
North Western Railway	S. I. Railway Workers' Union	Not recognised.
	R. & K. Railway Union	Not recognised.
	B. N. Railway Indian Labour Union	Recognised.
South Indian Railway . Rohilkund and Kumaon Bengal Nagpur	B. N. Railway Employees' Union	Recognised.
	B. N. Railway Workers' Welfare Association	Recognised.
	E. B. Railway Indian Employees' Association	Recognised.
Eastern Bengal	Kanchrapara Railway Workmen's Union	Recognised.
	National Union of Railwaymen of India and Burma	Recognised.
	All-India and Burma Covenanted Non-gazetted Railway Services Association	Recognised.

GRANT OF FREE PASSES AND SPECIAL LEAVE TO RAILWAY UNION REPRESENTATIVES.

232. *Mr. Lalchand Navalrai: (a) Will Government be pleased to refer to the report of the Royal Commission on Labour, and their recommendation regarding free passes and special leave to Railway Union representatives, and state what action has been taken by them to carry out this recommendation? If no action has been taken, do they propose to take the necessary action?

(b) Is it a fact that the representatives of Staff Councils are given free passes and special leave? If so, why are the Unions not given the same facilities?

(c) Are Government prepared to give them equal facilities?

The Honourable Sir Muhammad Zafrullah Khan: (a) The Honourable Member is, presumably, referring to item 146 of the recommendations of the Royal Commission on Labour appearing on page 167 of their Report. If so, the matter is still under consideration.

(b) and (c). I would refer the Honourable Member to the reply given to starred question No. 1397, asked by Mr. Amar Nath Dutt, on the 2nd April, 1929.

FIXATION OF THE SCALE OF PAY OF EMPLOYEES ON THE NORTH WESTERN RAILWAY.

233. *Mr. Lalchand Navalrai: (a) Will Government be pleased to state the principles on which the scales of pay of the employees on the North Western Railway are fixed? Whether those scales of pay are fixed on the length of service or the responsibilities attached to the post held by an employee or on some other consideration?

(b) What are the factors by which responsibilities attaching to a post on the North Western Railway are determined? Do Government consider the handling of cash and preparation of accounts duties of responsible nature?

(c) Is it a fact that a Booking Clerk on the North Western Railway besides issuing tickets and keeping stock of tickets worth lakhs of rupees has to receive and keep accounts of the cash collected by various branches namely, Goods, Parcel, Luggage, Ticket Collectors, Special Ticket Examiners and Telegraph Signallers, Spencer's Refreshment Rooms, also of earnings by sale of coal scrap wood, electric and rental charges or any other source of income to Railway and to cash cheques issued by the Railway Administration or the North Western Railway employees Co-operative Credit Society? If so, how do Government justify keeping the scales of pay of the Booking Clerks similar to those of the clerical staff in other branches of service, with no such responsibilities?

(d) Are Government prepared to give them the same scales of pay as are prevailing in other Government or semi-Government departments, for persons engaged in cash collections and keeping accounts? If there is difference in scales, do Government propose to rectify this?

(e) Will Government be pleased to state the number of grade I, II, III and IV Booking Clerk posts on each Division of the North Western Railway separately and how the percentage of higher grades compare with other branches of service?

(f) Is it a fact that there are no Booking Clerks of grade II or III on the North Western Railway on purely ticket issuing duty, even at stations where a large number of tickets are sold by each train and for various stations? Are Government aware that a Booking Clerk at such a station has to issue tickets in hot haste to cope with the rush at the ticket window, which results in shortage in cash and his getting base coins? Is it a fact that the Booking Clerks have to make good the shortages? If so, how are the excess collections disposed of? Are they utilized to meet the shortages? If not, why not?

(g) Do Government propose to revise their scales of pay on the North Western Railway, so as to be compatible with the nature of duties performed by them?

(h) Will Government be pleased to state the measures of relief adopted by the Board or the North Western Railway Agency to compensate the staff who make short collections, or accept base coins, in hot haste of issuing tickets to meet with the rush of passengers? If the reply be in the negative, do Government now propose to consider this question?

(i) Is it a fact that certain Booking Clerks on the North Western Railway have been reduced for base coins, having been found in their collections which were due to rush of work? If so, are Government prepared to ensure better conditions of service for the Booking Clerks?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government understand that the General Principle followed by the North Western Railway in fixing the scales of pay of employees was that the scale was adequate remuneration for the work done.

(b) This is a hypothetical question. Each case must be considered on its merits.

(c) As regards the first part Government are informed that the duties of a booking clerk are responsible, but where large sums of money have to be handled, senior men are normally posted. As regards the latter part, it is not clear what clerical staff the Honourable Member is referring to. If he will specify the designation of the staff concerned I will attempt to frame a reply.

(d) Government do not consider this necessary. Scales must be fixed in accordance with the principle referred to in the reply given by me to part (a).

(e), (f) and (i). Government have no information. These are matters of detailed administration for the Agent, North Western Railway, to decide to whom I have sent a copy of this question for information.

(g) and (h). I have already stated that the scale of pay for booking clerks is adequate remuneration for the work done by them, and Government are not prepared to revise their scales of pay or increase their remuneration.

REMODELLING OF THE SUKKUR RAILWAY STATION AND WAITING ROOMS FOR PASSENGERS IN THE SIND DIVISION OF THE NORTH WESTERN RAILWAY.

234. ***Mr. Lalchand Navalrai:** (a) Do Government propose to remodel the Sukkur Station of the North Western Railway? If so, when and in what form?

(b) Will Government be pleased to state:

(i) the names of Railway Stations on the North Western Railway, Sind Division, having waiting rooms, for men and women intermediate class passengers; and

(ii) when they propose to provide such waiting room on other important stations on that Division, and also the names of such stations?

The Honourable Sir Muhammad Zafrullah Khan: (a) A scheme for a small remodelling of Sukkur station is under consideration. No decision has yet been reached.

(b) (i). One intermediate class waiting room for ladies exists at Shikarpur.

(ii) The provision of intermediate class waiting rooms for both ladies and gentlemen at Karachi City, Hyderabad, Rohri and Sukkur has been considered, but action has been deferred due to lack of funds.

REDUCTION OF PERIOD FOR WHICH GATES AT THE LEVEL CROSSING WITHIN THE LARKANA STATION ARE CLOSED.

235. ***Mr. Lalchand Navalrai:** (a) With reference to my starred question No. 195 asked on the 13th February, 1935, will Government be pleased to state what special working rules have been sanctioned to reduce the period for which gates at level crossing within Larkana station are closed to avoid inconvenience?

(b) Have these rules come into force? If so, since when and with what result?

The Honourable Sir Muhammad Zafrullah Khan: (a) I lay on the table of the House a copy of the Special Working Rules for the level-crossing within Larkana Station.

(b) Yes. The rules were brought into force from the 20th February, 1935. There has been a considerable decrease since then in complaints from the public.

Extract from Working Rules for Larkana B. G. Class B. Station.

The Pointsman deputed to the points for reception of down trains, or departure of up trains will not wave the allright green signal till the following action has been taken by the parties concerned. The Station Master on duty will first wave a green signal towards the Pointsman waiting at the points indicating that it is now time for the signal to be lowered, the Pointsman will then see that the gates are immediately closed. Only after this has been done and the points have been set and locked will the Pointsman wave the allright green signal to the Station Master on duty who will then lower the Home signal. In the case of departure of an Up train after correctly setting the trailing points the Pointsman will see the gates closed before lowering the Up Starter. The waving of the green signal by the Pointsman will be an assurance to the Station Master on duty that not only have the points been correctly set and when necessary also locked, but that the level crossing gates have also been secured against road traffic.

REMODELLING OF THE LARKANA STATION AND CONSTRUCTION OF A BROAD GAUGE RAILWAY BETWEEN LARKANA AND JACOBABAD.

236. ***Mr. Lalchand Navalrai:** (a) Do Government propose to make additions and alterations in the present station building and the platform at the Larkana Station? If so, when and in what form?

(b) Do Government propose to consider the desirability of remodelling the station building on the eastern side in line with the present Goods Office? If not, why not?

(c) Do Government propose to build a railway broad gauge line between Larkana and Jacobabad via Kambar Alikhan? If so, when?

(d) Do Government propose to improve and make certain additions and alterations in the present platform at the Larkana Station and to build an over-bridge? If so, in what manner and when?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government have no knowledge of any such proposal.

(b) The suggestion will be forwarded to the Agent, North Western Railway for consideration. The question of the financial justification of this work, as of all others, has to be considered.

(c) No decision has yet been reached.

(d) No.

SHORT NOTICE QUESTION AND ANSWER.

DIRECT MAIL SERVICE BETWEEN MADRAS AND RANGOON.

Dr. T. S. S. Rajan: (a) Is it a fact that Government have decided to stop the direct mail service between Madras and Rangoon in view of the separation of Burma from India?

(b) If so, will Government be pleased to state the reasons for it?

(c) Are Government aware that public interests, particularly those of the trading community—the Chettiar bankers of South India,—who have established themselves in business relations with Burma for years, have protested against the proposal?

(d) Was the opinion of the business interests and that of the public elicited before the proposal was decided upon? If not, why not?

(e) Will the proposed air mail service be timed to commence with the suspension of the direct steamer mail service?

(f) If so, are Government aware that it will not effectively take over all the facilities of direct mail service, both in its cost to the poor man and also in its volume?

(g) Are Government aware that public opinion in Madras is against the proposal, and are Government prepared to continue the present arrangement?

The Honourable Sir Frank Noyce: (a) and (b). The direct mail service operating once a week between Madras and Rangoon has been discontinued with effect from the 1st February, 1936. The service was not, however, discontinued for the reason mentioned by the Honourable Member. It was discontinued because it involved avoidable expenditure as three other services per week were available for the conveyance of mails between India and Burma *via* Calcutta. I place on the table a copy of a Press Communiqué issued by the Indian Posts and Telegraphs Department which fully explains the situation.

(c) Yes.

(d) The reply to the first part of the question is in the affirmative. The latter part does not arise.

(e) and (f). The Honourable Member has, I think, misunderstood the reference to Air Mail Services in the Press Communiqué which has issued on the subject. The reference is to the two Air Mail Services which at present operate between Calcutta and Rangoon. It is not intended that the mails formerly conveyed by the direct sea mail service should now be conveyed by air between Calcutta and Rangoon. They will be conveyed by the mail trains running daily between Madras and Calcutta and by the mail steamer services operating thrice a week between Calcutta and Rangoon.

(g) The reply to the first part is in the affirmative. As regards the last part, the direct service has been discontinued from February 1st, 1936, and, in view of the substantial saving effected by its discontinuance, Government do not propose to re-introduce it.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

WITH THE COMPLIMENTS OF THE DIRECTOR-GENERAL OF POSTS AND TELEGRAPHS.

New Delhi, the 30th December, 1935.

PRESS COMMUNIQUE.

Contract for the conveyance of Sea borne mails.

The agreement between the Secretary of State for India in Council and the British India Steam Navigation Company for the Indian coasting and other mail services, which had been extended for two years from the 1st February, 1934, will expire on 31st January, 1936. In view, however, of the expected air mail developments in 1937, and of the impending separation of Burma from India, both of which may require a modification of the existing sea services, it has been considered necessary to extend the existing agreement for a short period. Further in order to secure in the meantime such savings as may be possible by cancelling those steamer mail services, which provide only an inappreciable benefit to the public, it has been decided that the following steamer mail services should be discontinued:

(1) Line No. 6-(Madras-Rangoon weekly mail service). At present the postings of Wednesdays, Thursdays and of Friday mornings both at Madras and Rangoon are sent on Fridays in each direction by the steamers of this service, while the postings of the other days of the week are sent from both Madras and Rangoon *via* Calcutta. On the abolition of the Madras-Rangoon direct service, mails at present conveyed by that service will be despatched *via* Calcutta. The delay to such mails will not, however, be appreciable except in regard only to the postings of Friday mornings, as will be seen from the table below:

Letters posted in Madras on		Day of arrival in Rangoon.	
	At present.		After abolition of the direct (Madras-Rangoon) service.
Monday	Monday	Monday	Monday
Tuesday	Monday	Monday	Monday
Wednesday	Monday	Monday	Monday
Thursday	Monday	Monday	Tuesday
Friday morning	Monday	Monday	Tuesday
Friday evening	Friday	Friday	Friday
Saturday	Friday	Friday	Friday
Sunday	Friday	Friday	Friday

Letters posted in Rangoon on		Day of arrival in Madras	
	At present.		After abolition of the direct (Rangoon-Madras) service.
Monday	Saturday	Saturday	Saturday
Tuesday	Saturday	Saturday	Saturday
Wednesday	Monday	Monday	Tuesday
Thursday	Monday	Monday	Tuesday
Friday morning	Monday	Monday	Thursday
Friday evening	Thursday	Thursday	Thursday
Saturday	Thursday	Thursday	Thursday
Sunday	Saturday	Saturday	Saturday

There are at present two direct air mail services between Rangoon and Calcutta for those who desire special acceleration for their mails.

(2) Line No. 10-(Bombay-Kathiawar Ports-Karachi weekly service). Mails for and from the Kathiawar ports are sent daily by trains, and the despatch by the steamer

service is in addition to this usual daily despatch. Further, no mails from Bombay for Karachi are now sent by the steamers of this line. The direct Bombay-Karachi fast service which is weekly will continue.

2. Arrangements have accordingly been made for a further extension of the present agreement for a period of 14 months from the 1st February, 1936, excluding the mail services on lines Nos. 6 and 10 specified above.

Dr. T. S. S. Rajan: Have not Government considered that instead of stopping the only weekly direct mail service between Madras and Rangoon one of the services between Calcutta and Rangoon should, if at all, be discontinued for the sake of economy?

The Honourable Sir Frank Noyce: No, Sir.

Mr. Sami Vencatachelam Chetty: How long has this service been in existence?

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

Dr. T. S. S. Rajan: May I ask whether Government do not consider it advisable to stop one of the three weekly services between Calcutta and Rangoon, instead of stopping the only weekly service between Madras and Rangoon?

The Honourable Sir Frank Noyce: I can only say that that question was not considered.

Mr. Sami Vencatachelam Chetty: Is not the mail between Madras and Rangoon delayed in its transit by this circuitous route by one and a half days a week?

The Honourable Sir Frank Noyce: On one and a half days a week?

Dr. T. S. S. Rajan: And to that extent, are not the people south of Madras put to a greater inconvenience than the people in Madras itself?

The Honourable Sir Frank Noyce: No, Sir. They have the same service available as the people in Madras.

Dr. T. S. S. Rajan: Why did not Government consider the alternative of discontinuing one of the three services between Calcutta and Rangoon when discontinuing the only service between Madras and Rangoon?

The Honourable Sir Frank Noyce: The question was never raised, and it would have to be very carefully examined.

Mr. S. Satyamurti: Is it because Madras is always treated as the Cinderella of all the Provinces?

The Honourable Sir Frank Noyce: Certainly not, as long as I am a Member of the Government of India.

Dr. T. S. S. Rajan: Is it not the case that insurance parcels are not taken by the air mail?

The Honourable Sir Frank Noyce: I think that is so, though I am not quite sure.

Mr. F. E. James: Would the Honourable Member be prepared to take up with the shipping company concerned the suggestion made by my Honourable friend over there, *viz.*, that they might make some readjustment in their services whereby the mail service from Madras to Rangoon might be retained, and possibly one of the mail services between Calcutta and Rangoon abolished?

The Honourable Sir Frank Noyce: I am quite prepared to consider all the relevant considerations including those which have been raised this morning, before the expiry of the term of the present contract on the 1st April, 1937.

Mr. S. Satyamurti: May I take it, therefore, that till that time, Madras will have no direct sea mail services between Madras and Rangoon? Is that the position of the Government of India?

Mr. Sami Vencatachelam Chetty: Why should it not be continued till the 1st of April, 1937, when the final decision will be taken?

MOTIONS FOR ADJOURNMENT.

MISUSE AND MISAPPLICATION OF LEGISLATIVE RULES IN DISALLOWING THE ADJOURNMENT MOTION ON THE BENDA INCIDENT.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. I have received notice of a motion for adjournment from Dr. Khare to discuss a definite matter of urgent public importance. The notice reads:

"That the House do stand adjourned to consider a definite matter of urgent public importance, *viz.*, the misuse and misapplication of legislative rules in disallowing the adjournment motion on the Benda incident resulting in serious encroachment upon the rights and privileges of its members."

That was disallowed on the ground, I believe, that it was detrimental to the public interest, and, under the Rules and Standing Orders, I think the Governor General has the power to do that. I do not see how the Honourable Member is entitled to ask the House to consider whether the action of the Governor General was right or not on an adjournment motion; I do not know what the Honourable Member's authority is for doing so, and under what Rule or Standing Order he proposes to do it. I think the Honourable Member must be aware that it is not permissible for any Member of this House to make any reflection on, or criticize the conduct of, the Governor General.

Dr. N. B. Khare (Nagpur Division: Non-Muhammadian): My authority is public interest.

The Honourable Sir Nripendra Sircar (Leader of the House): I submit, Sir, this is a misuse, a misapplication and an abuse of the legislative rules. Under Standing Order 29, a "Member while speaking shall not reflect upon the conduct of His Majesty the King or the Governor General

[Sir Nripendra Sircar.]

or any Governor, etc., etc.”. I need not read out the whole. I submit, Sir, moving of this motion amounts to a reflection, that is to say, although this is the sole discretion under the rules for disallowing a motion, the reflection is that he ought not to have done it; and that he has made a serious encroachment upon the rights and privileges of the Members of this House and that he has misused his powers under these rules. I submit, Sir, that this motion is not permissible for discussion.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Sir, Standing Order 29, to which my Honourable friend refers, merely restricts the scope of speeches. It simply says:

“That a Member while speaking shall not reflect upon the conduct of His Majesty the King, or the Governor General or any Governor (as distinct from the Government of which they are respectively the heads) or any Court of Law, in the exercise of its judicial functions.”

Sir, my Honourable friend, Dr. Khare, is not now asking for permission in the course of his speech, to reflect upon the conduct of the Governor General. Therefore, I submit that this Standing Order has nothing to do with this motion for adjournment which is intended merely to discuss a definite matter of urgent public importance. I submit, Sir, that the disallowance of this motion by the Governor General in the exercise of his statutory powers is not, as if he had done something in his own personal character, and that we should not comment upon that. He has exercised a power which has been conferred upon him in respect of this Honourable House, and he has said that the discussion on that is detrimental to public interest. I submit that, so long as Dr. Khare's motion raises a definite matter of urgent public importance, it is absolutely within the four corners of Standing Order 21 which 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”.

and under Standing Order 23, you, Mr. President, have to be of the opinion that the matter proposed to be discussed is in order, and then you have to read to the Assembly the statement. I submit, it comes to this, that, according to the Honourable the Law Member, it is impossible for us, because of Standing order 29, which merely restricts the scope of speech, that we can ever discuss any action of the Governor General.

Mr. President (The Honourable Sir Abdur Rahim): But the Governor General has disallowed the motion under the rules.

Mr. S. Satyamurti: He has disallowed it, because he is of the opinion that it is detrimental to public interest. We are not now questioning his rights. In this specific case, we say that the exercise of that right is not right.

Mr. President (The Honourable Sir Abdur Rahim): But so far as this House is concerned, the decision of the Governor General is final.

Mr. S. Satyamurti: His decision is final, that is to say, we cannot discuss the motion which he has disallowed. But we can say, he is

wrong in disallowing that motion. My point is this, that it is a final decision, only in the sense that you cannot allow the House to discuss that motion. I agree that the motion is finished, so far as discussion thereon is concerned. But, certainly, we have the right to say that he is wrong in the hope, that hereafter he will not do it. The point is, that, if the House says that his exercise of the right under the rules is wrong, the advantage to the House is that he may not do it hereafter. Moreover, it is final in this sense that it binds you and this House. His order is final and we cannot discuss the motion. But we can certainly discuss whether it is right for him to have done that. That is the point which Dr. Khare raises in this motion, and I submit there is nothing in the Rules or Standing Orders which bars a motion of this character. I submit, it is in order.

The Honourable Sir Nripendra Sircar: May I say in reply a few words? My Honourable friend's point is that Standing Order 29 relates only to restriction of speeches. My point is that Dr. Khare cannot move this motion, because the first thing for him will be to read the motion and say, “I move that the House do stand adjourned to consider a definite matter, namely, the misuse and misapplication of the Legislative Rules” which must have been done by the Governor General in disallowing the adjournment motion. The motion itself, and the language which has got to be read out, and this is not permissible under the Standing Order.

Dr. N. B. Khare: We also claim to know the public interest as anybody else.

Mr. President (The Honourable Sir Abdur Rahim): I have no hesitation in ruling that this motion is out of order. Under the rules, the Governor General is vested with the power to disallow any motion for adjournment, if, in his opinion, it is detrimental to public interest and that decision is final. The Standing Order to which reference has been made lays down that no Honourable Member in this House can make any speech reflecting upon the conduct of the Governor General. The present motion is made in order to criticize the conduct of the Governor General in passing the order which he has done under the rules governing the conduct of the proceedings of this House. There is also a ruling reported at page 2497, Vol. V, Part III, dated the 17th March, 1925, of the Legislative Assembly Debates, in which, in a similar case, the President ruled:

“The Honourable Member is not entitled to raise it in order to discuss the action of the Governor General. Any action taken by the Governor General, apart from the Government of which he is the head—(these are the words that appear in the rule)—is outside the scope of the debate in this House”.

I, therefore, rule that the motion is out of order.

DIRECT SEA MAIL SERVICE BETWEEN MADRAS AND RANGOON.

Mr. President (The Honourable Sir Abdur Rahim): Notice of a motion has been given by Mr. Sami Vencatachalam Chetty to the effect that he intends:

“Asking leave of the Honourable the President and of the House to move an adjournment motion to discuss a matter of urgent public importance, i.e., the refusal of the Government to reconsider the decision to discontinue the direct sea mail service between Madras and Rangoon from 1st February, 1936.”

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, notice of this motion was given in this language on the 31st January 1936.

"This Assembly do stand adjourned to discuss a definite matter of urgent public importance, viz., the contemplated act of the Government to abolish the annual contract for sea mail service between Madras and Burma."

This is dated the 31st January, 1936. The Assembly started its Session on the 3rd February by which time the "contemplated" act had been accomplished.

Mr. President (The Honourable Sir Abdur Rahim): When was the decision taken?

The Honourable Sir Nripendra Sircar: Long before; but the service came to end on the 31st January, so that, on the 1st February, there was no service. In fact, when the Assembly commenced its Session on the 3rd February, this was an accomplished fact, namely, the service has ceased to continue. Then, Sir, this motion came up on the 4th February or the 5th February—I am not sure of the day, I think it was on the 4th February, but it may be on the 5th February—when the Honourable Member said that he did not move that motion and that he withdrew it.

Mr. President (The Honourable Sir Abdur Rahim): The wording of that motion was "contemplated decision".

The Honourable Sir Frank Noyce (Member for Industries and Labour): The decision has already been taken. As I have already said this morning, the direct sea mail service was discontinued with effect from the 1st February, so that, on the 4th or 5th February, there was no service existing.

Mr. President (The Honourable Sir Abdur Rahim): I mean that in the motion for adjournment the language was "contemplated decision".

The Honourable Sir Nripendra Sircar: No doubt the language of the motion was the "contemplated decision". The notice shows that it would come to an end on the 31st January, so that, when the actual time arrived for moving that motion, the thing was over. Further, the Honourable Member might have given another notice on the very next day, that is 5th or 6th or 7th February. But, surely, because, after a week, the matter has been refused to be reconsidered, it is not like a continuing cause of action, it is not that every time the Government refuse to reconsider, the urgency revives. I submit this ought not to be allowed.

Mr. Sami Vencatachelam Chetty (Madras: Indian Commerce): Sir, in reply to the Honourable Member, I may say that when I gave notice of the first adjournment motion, that was a matter between the Honourable Members of this House and the Honourable the President. Unless the matter was taken up on the floor of the House in respect of particularly an adjournment motion, I do not think that Government as such need take any notice of it. The adjournment motion which I originally gave notice of

Mr. President (The Honourable Sir Abdur Rahim): The question now is, why was there this delay?

Mr. Sami Vencatachelam Chetty: The delay was due to the attempts made with the Honourable Member of Government to persuade him to restore this. Though this service might have been terminated on the 1st February,

Mr. President (The Honourable Sir Abdur Rahim): Were these attempts made by the Honourable Member himself?

Mr. Sami Vencatachelam Chetty: Yes, Sir, with the Government Member. Not only that, there is another point. Though the service might have been officially terminated on the 1st February, the actual effect that would be made on the public would only be on the 6th of this month, because it was on Friday morning that Madras can post its mails. It is only then that the public could know that there was no direct mail service on Friday. So I am moving it on Monday which is the first available day. The actual termination was felt

Mr. President (The Honourable Sir Abdur Rahim): Was the decision taken on the 1st February?

Mr. Sami Vencatachelam Chetty: We could not know. As a matter of fact, the information was that it was contemplated to stop this service. On Friday last, we had a conference with the Honourable Member of Government, and then we found, to our utter disappointment, that he was not willing to reconsider the matter. And we were also waiting for some revision of their decision.

Mr. President (The Honourable Sir Abdur Rahim): Was any conference called by Government?

Mr. Sami Vencatachelam Chetty: No, it was by mutual consent. We agreed to meet and talk the matter over.

The Honourable Sir Nripendra Sircar: Sir, may I correct a statement of fact? A communiqué was issued on the 30th December in which it was stated that this thing will come into operation after the 31st January which means that from the 5th February there will be no direct service between Madras and Rangoon.

Mr. Sami Vencatachelam Chetty: If on the 30th December they were sure of their position, they need not have written to the Post Master General, Madras, to confer with the merchants and the public there.

Mr. President (The Honourable Sir Abdur Rahim): Was any communiqué issued like that?

Mr. Sami Vencatachelam Chetty: Not that I am aware of. Probably it might have been issued, but Government made us believe that it was not a final thing, because they asked the Post Master General, Madras, to call for a conference of merchants and the public in Madras and to have a talk on this matter. Then, as early as on the 6th February, the Honourable Sir Frank Noyce wrote to me, enclosing a copy of a statement wherein he has attempted to show that there was not much inconvenience

[Mr. Sami Vencatachalam Chetty.]

that might be felt by the Madras public if this service should be discontinued. Therefore, there was a ray of hope that was extended to the public that the Honourable Member might reconsider the position. As a matter of fact, an attempt was made and even at the last conference we expected some change in regard to the answers to the short notice questions. And when we found that even then the position has not changed, we felt that the urgency has arisen, and it is undoubtedly a matter of public importance.

The Honourable Sir Frank Noyce: Sir, I should like to explain with reference to what has fallen from my Honourable friend that Government have never at any time held out hopes of reconsideration of this matter. The conference which was held in January at Madras by the Post Master General was merely to explain Government's position. And the conference that I had with my Honourable friends and the statements with which I supplied them were entirely with that view, namely, to explain why Government do not propose to reconsider this matter. At no time has any hope of reconsideration of their decision been held out.

Mr. President (The Honourable Sir Abdur Rahim): In the circumstances of this case, I must hold that the Honourable Member is too late now to give this notice. And I find there is a ruling, ruling No. 582, given on the 31st August, 1933, to the effect that, with reference to any motion for adjournment, the Chair would not take notice of any private conference or correspondence that may take place. I agree with that ruling, and I, therefore, rule this motion out of order.

LOSS OF INDIAN LIFE AND PROPERTY IN ZANZIBAR.

Mr. President (The Honourable Sir Abdur Rahim): The third motion stands in the name of Mr. Avinashilingam Chettiar who proposes to move the adjournment of the House to discuss the loss of Indian life and property in Zanzibar in the severe rioting that took place there and in Uganda.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I think, when answering the second question this morning, I pointed out that there was no information available to the Government of India apart from what was published in the press yesterday. The information in the press was that there was rioting by the Arabs in which one European officer and one Indian officer were killed. As soon as the information reached us, we sent a telegram to the Secretary of State and have asked for full particulars. I suggest for the convenience of the House that the best way to deal with this matter would be for me to answer a short notice question as soon as the information is available.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore cum North Arcot: Non-Muhammadian Rural): Sir, I will refer you to decision No. 17 of the Decisions from the Chair in which it was ruled:

"The fact that the Government is not ready to give a proper reply to the question raised by the motion for adjournment is no ground on which the Chair can disallow that motion."

Mr. President (The Honourable Sir Abdur Rahim): This is said to have occurred in Zanzibar and Government have not got sufficient information. What purpose would be served by a motion like this?

Mr. T. S. Avinashilingam Chettiar: The very same objection was taken there:

"Mr. T. C. Goswami sought to move the adjournment of the House to discuss the hunger strike of certain State Prisoners . . ."

Mr. President (The Honourable Sir Abdur Rahim): State Prisoners in Zanzibar? (Laughter.)

Mr. T. S. Avinashilingam Chettiar: I will read it out:

"And Sir Alexander Muddiman opposed the motion on the ground that he would not be in a position to give a proper reply on the matter."

Afterwards, the President gave that ruling.

Mr. President (The Honourable Sir Abdur Rahim): I think, if the Honourable Member really wants to discuss this matter usefully, he had better wait and put a short notice question as suggested when the information is in possession of Government. I disallow this motion.

Mr. T. S. Avinashilingam Chettiar: I hope Government will not, when we table another motion later on, take the objection that we are too late.

DEMAND OF SECURITY FROM THE *Athyudaya* OF ALLAHABAD.

Mr. President (The Honourable Sir Abdur Rahim): The next motion is that of which notice has been given by Sardar Sant Singh, which he wishes to move, to this effect:

"In view of the action of the Local Government in demanding security from the *Athyudaya* of Allahabad for printing the full text of the speech of Pandit Krishna Kant Malaviya made in the Assembly on the 6th September, 1935, in Simla during the discussion on the Criminal Law (Amendment) Bill, the Assembly do proceed to discuss the question of the privilege of the freedom of speech and its publication in the Press enjoyed by the Members of the Assembly."

I should like to know whether this speech was published in the Press in this paper at the instance of the Member concerned who made the speech. I have not seen the paper myself.

Pandit Krishna Kant Malaviya (Benares and Gorakhpur Divisions: Non-Muhammadian Rural): It is my own paper.

Mr. President (The Honourable Sir Abdur Rahim): Did the Honourable Member himself have the speech published in that paper?

Pandit Krishna Kant Malaviya: It is my own paper and it published my speech. I did not send a copy of my speech to it.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member got a copy of the paper?

Pandit Krishna Kant Malaviya: I have not got it.

The Honourable Sir Nripendra Sircar (Leader of the House): We have got it, and we can raise a point that it is not mere republication. I have some objections in regard to this motion being taken up in the way it is proposed. My Honourable friend's motion states:

"I may add that no notice is necessary to discuss the question of privilege and that such motion has precedence over all other work in the House."

I will state my objections on bar as concisely as possible. If I may refer you to page 264 of May's Parliamentary Practice, you will find that on page 264. It reads:

"A privilege matter may also be brought forward without notice, before the commencement of public business, and is considered immediately, on the assumption that the matter is brought forward without delay, and that its immediate consideration is essential to the dignity of the House."

If I may give you another reference, you will find that, on page 471 of the same book, if the motion is entertained, a committee is at once formed which has got to make its report. My contention is that even in England, assuming that there is such a privilege as is claimed, this motion could not be moved without notice. I do not concede that and the matter may have got to be discussed later on the merits whether there is any privilege

Mr. President (The Honourable Sir Abdur Rahim): Provided there is a *prima facie* case.

The Honourable Sir Nripendra Sircar: You may drop this for the moment; it is not very important on the question of admissibility without notice as it refers to the appointment of a committee after the case has been made out. I will come to page 269 of the same book:

"As precedence is naturally desired by members, care has been taken, by rulings from the Chair, not to extend that claim to any motion which does not strictly relate to an urgent matter of privilege, properly so called; and many motions, more or less affecting privilege, have been brought on in their turn, with other notices of motions."

Now, Sir, what is meant by being really urgent, and when a motion can be made without notice, if the procedure stated in May has to be followed, is explained at page 266:

"So also, when, during the session of 1887, a motion was brought forward based on charges brought by the *Times* newspaper against certain members of the House, the motion was ruled not to be a motion of privilege, because it was not a matter requiring immediate consideration: * * * but in the year 1890, a motion bearing on the subject of those charges, asserting that they were a libel on the House, was treated as of privilege, being brought forward at the earliest moment, the first day of the session, and because the charges were undoubtedly designed to influence the proceedings of the House."

I lay emphasis on "first day", and my point is that this motion assuming that we follow the English practice, of which I say nothing now, ought to have been made at once. If it is said that the Mover tried to move an adjournment motion, that again was disallowed.

Mr. President (The Honourable Sir Abdur Rahim): That adjournment motion related to the same subject, but was disallowed by the Governor General.

The Honourable Sir Nripendra Sircar: The first was disallowed by the Governor General.

Mr. President (The Honourable Sir Abdur Rahim): The Chair disallowed the second on two grounds, firstly because notice was not given in time, and also because such a motion could not be raised on an adjournment motion.

The Honourable Sir Nripendra Sircar: My point is that, if we are following the English practice, the motion should have been made at the earliest possible time. He might have made his application on the 4th or 5th, or on the 6th, or on the 7th.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member means that the last motion was disallowed on the 4th?

The Honourable Sir Nripendra Sircar: That was on the 6th; therefore, he could have given and he ought to have given notice on the morning of the 7th.

Mr. President (The Honourable Sir Abdur Rahim): Notice was given on the 7th, but he moved it today.

The Honourable Sir Nripendra Sircar: It was not moved on the 7th, and he ought to have moved on the 7th before other business. He could have given notice on the morning of the 7th. That is the procedure, but, I submit, Sir, that the conditions with which this extraordinary procedure is hedged in should be fulfilled in the strictest manner. After all, on light grounds, we should not be allowed to cut into the day's proceedings. If you follow the English practice, condition No. 2 is that he must make out a *prima facie* case and produce the newspaper upon which or the other piece of paper upon which his complaint is based. I draw your attention, Sir, to the last line on page 98: "the newspaper itself must be produced." Again, at the top of page 99, it says:

"A member complaining of the report of his speech in a newspaper has been stopped by the Speaker when it appeared that he had not got the newspaper on which to found his complaint."

I shall come at once to the point and I am not raising this as a technicality. It is of substance in the present case on its facts. It is good sense that, if he has got to make out a charge, he must place materials before this House to show that a *prima facie* case has been made out. That is my second objection.

Then, if the paper is produced, what is the position? You will see that my friend claims a very limited privilege—I am reading his motion:

"Discuss the question of privilege of the freedom of speech and its publication in the Press enjoyed by the Members of the Assembly."

[Sir Nripendra Sircar.]

Let us see what was published: I had not the paper before: I got it only yesterday—I have got it now

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think it makes any difference who produces it.

The Honourable Sir Nripendra Sircar: No. I produce it: it will help to understand the situation. I am afraid, I cannot show it clearly to the whole House: if the President will kindly look at it, this is where the speech begins. The headline is: "Speech by Mr. Krishna Kant Malaviya in the Assembly on such and such a day." As a preface to it, there is an article on the subject, extolling the speaker and condemning Sir Henry Craik on the same page. The article on the speech is on the previous page and it is carried over to another page. Now, I come to the speech. This is a reproduction of the speech, it begins here: of course it covers several pages. Translation, not very literal, of the entire speech is given; this is not republishing the speech—it is a free translation. In the translation, there are headlines which form no part of the speech, and, of course, the writer, who is going to see it printed and published, would naturally have sensational headlines. But, in the middle of this speech, there is a very ornamental border and the inset is a poem of fourteen lines

Mr. President (The Honourable Sir Abdur Rahim): That was not in the speech at all?

The Honourable Sir Nripendra Sircar: No; and the translation of that poetry is that "those who ought to protect us are the people who kill us". There are seven couplets; and, in the third couplet, there is a pun on the word "Azad". The President will remember that Azad was the man about whom there was trouble. He was an admitted terrorist—but I need not go into that subject now. The complaint made was that the speaker was extolling a terrorist—I may be quite wrong in saying that—but that was the complaint made, that he was extolling Azad, a terrorist. These lines were printed in the most prominent manner with double borders just in the centre of the speech, with the headline that those who ought to keep us are destroying us. The couplet contains a pun on the word "Azad". The first couplet is:

"Let those who pile cruelty upon cruelty and injustice upon injustice beware that we raise our complaint."

The second couplet is:

"Even in captivity we were silent until the issue became life or death. Let them say: How else may the captor (literally the trapper, of birds) be humoured?"

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): I rise to a point of order: my friend is discussing the merits of the whole speech.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has to be satisfied that there is a *prima facie* case of privilege.

The Honourable Sir Nripendra Sircar: Only one more couplet

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): I rise to a point of order. The security was taken from the *Abhyudaya*, not for the poem which the Honourable Member is reciting with so much gusto, but for the reproduction of the speech. These objectionable passages of the speech are definitely mentioned.

Mr. President (The Honourable Sir Abdur Rahim): The Chair will hear the Honourable Member, if necessary, after the Leader of the House has finished.

The Honourable Sir Nripendra Sircar: We are not concerned with the fact that the Government wanted security nor what the Government complained of. The Mover has got to establish, before he can interrupt the work of the House by moving a motion without notice, that there is a *prima facie* case of privilege: that is, that he has only republished the article, and, in consequence of that, he has come to grief. The question is, is this mere republishing? I am trying to make the first point that this is not mere republication at all. We are not concerned with what Government complained of.

Mr. Sri Prakasa: What has the poem got to do with it?

The Honourable Sir Nripendra Sircar: I am not giving way: my friend can repeat the word "gusto" once more if he likes. The poem in the centre makes the publication very different from the speech delivered in the House. I said, the pun is on the word "Azad". "Azad" literally means to be free; but the other possible meaning of the pun is that these people, who are going to liberate themselves and their brothers from their tormentors, like Azad. Is this inset and the manner in which it is printed a reproduction, apart from the fact that it is a loose translation and that there are headlines which do not appear in the speech itself? Does "republication" extend to a translation with headlines and with insets containing other objectionable passages? Is that republication? That is my next point. . . .

Mr. M. S. Aney (Berar Representative): Does the Honourable Member mean. . . .

The Honourable Sir Nripendra Sircar: I do not give way. . . .

Mr. M. S. Aney: I am trying to understand you.

The Honourable Sir Nripendra Sircar: As everyone else is understanding me, I need not mind my Honourable friend.

Mr. M. S. Aney: You do not mind being unintelligible to everybody.

The Honourable Sir Nripendra Sircar: I do. Now, Sir, I base an argument on rule 6 of the Indian Legislative Rules—page 8 of this book. It says:

"The Governor General, after considering the state of business of that chamber, shall allot so many days as may in his opinion be possible, compatible with the public interests, for the business of non-official members in that chamber and may allot

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different days—for the disposal of different classes of such business and on days so allotted for any particular class of business, the business for that class shall have precedence. On other days, no business other than Government business shall be transacted except with the consent of the Governor General in Council."

There is only one exception to this rule which is mandatory and which is an exception to the rule that no other business shall be conducted: that exception is created by—I will give you the reference to the order—rule 12, taken with Standing Order 23, which refers to adjournment motions. If an adjournment motion is in order, then it has got to be set down for hearing from 4 to 6 p.m., whether it is on an official or non-official day. That is the only exception, and, subject to that exception, I submit, this rule is quite mandatory, and on other days no business other than Government business can be transacted except with the consent of the Governor General, and Sardar Sant Singh's business cannot be discussed today.

Then, Sir, my next objection is based on rule 24A(1) of the Indian Legislative Rules which says:

"Save in so far as is otherwise provided by these rules or in any case in which a communication is to be made to the Governor General under any provision of the Government of India Act or of these rules, no discussion of a matter of general public interest shall take place otherwise than on a Resolution moved in accordance with the rules governing the moving of Resolutions except with the consent of the President and of the Member of the Government to whose department the motion relates."

Now, Sir, this is a question of general public interest. Of that, there cannot be the slightest doubt. Now, what happens in this case? The order was issued on the 10th of January. . . .

Mr. President (The Honourable Sir Abdur Rahim): What was the nature of the order?

The Honourable Sir Nripendra Sircar: The order was for deposit of security to the extent of Rs. 2,500 under sub-section (3) of section 7 of the Press Emergency Powers Act, Act XXIII of 1931. They were asked to deposit security, no action has been taken against the Member. My friend has not even got a copy of the order, but I have. They were asked to give security by the 25th of January, and they were given 15 days' time. On the 24th, the paper stopped publication. . . .

Mr. President (The Honourable Sir Abdur Rahim): What was the date?

The Honourable Sir Nripendra Sircar: The order was dated the 10th of January, and they were asked to give security within a fortnight.

Sardar Sant Singh (West Punjab: Sikh): Sir, I have got a copy of the original order.

The Honourable Sir Nripendra Sircar: Then I withdraw my statement that he had not got a copy of the order. I am really glad that my friend has got something.

Now, as I was saying, the paper stopped publication on the 24th of January, and a complaint was made about the injustice of this order, not so much because the press owner, Pandit Malaviya, was affected, but because its thousands of readers and all newspapers and their readers will be affected by an order of this kind, with which I agree. Now, Sir, if we come to rule 24A, as the paper itself says, it is a question of the greatest general public importance. The people who are affected are not merely the Members of the House, but the newspaper reading public, owners of newspapers and so on. If it is a matter of general public importance, then, under rule 24A, this cannot be accepted. . . .

Mr. President (The Honourable Sir Abdur Rahim): What is the number of the Standing Order?

The Honourable Sir Nripendra Sircar: Indian Legislative Rules, rule 24A, and, under this, there can be no discussion, whether you call it a motion or a Resolution or a privileged matter. . . .

Mr. President (The Honourable Sir Abdur Rahim): Supposing on the assumption that it does, does it extend to action of the Criminal Court?

The Honourable Sir Nripendra Sircar: No, Sir; it does not. I did not purposely go into the question of merits.

Mr. President (The Honourable Sir Abdur Rahim): The Chair wants to see the reference.

The Honourable Sir Nripendra Sircar: I would refer you, Sir, to the second paragraph at page 286 of May's Parliamentary Practice. This is what it says:

"A question of order in the House, or in a Committee thereof, cannot be treated as a matter of privilege; and, as the privilege of freedom from arrest is limited to civil causes, and cannot be pleaded to arrests,"

—this is not a case of arrest here,—

"made on a criminal charge, or to enforce the administration of justice, the circumstances attending arrest or imprisonment for these causes cannot be brought before the House as a matter of privilege."

The other reference is at the bottom of page 120 of May's Parliamentary Practice, but, before I resume my seat, I shall give the House one more reference from May, and that is at page 108. It says this:

"If a Member publishes his speech, his printed statement becomes a separate publication, unconnected with any proceedings in the Parliament. This view of the law has been established by two remarkable cases. In 1795, an information was filed against Lord Abington for a libel. He had accused his attorney of improper professional conduct in a speech delivered in the House of Lords, which he afterwards published in several newspapers at his own expense. Lord Abington pleaded his own case in the Court of King's Bench, and contended that he had a right to print what he had, by the Law of Parliament, a right to speak: but Lord Kenyon said, that a 'member of Parliament had certainly a right to publish his speech, but that speech should not be made a vehicle of slander against any individual; if it was, it was a libel.'"

[Sir Nripendra Sircar.]

But whether the publication itself comes under section 7(3) or not, that is a matter which may require to be gone into by the High Court, but you cannot say that, because you made the speech, and, therefore, you can publish it. In the case I have cited above, "the Court gave judgment that His Lordship should be imprisoned for three months, pay a fine of 100 l. and find security for his good behaviour".

Again:

"In 1813, a much stronger case occurred. Mr. Creevey, a member of the House of Commons, had made a charge against an individual in the House, and incorrect reports of his speech having appeared in several newspapers, Mr. Creevey sent a correct report to the editor of a newspaper, with a request that he would publish it. Upon an information filed against him, the jury found the defendant guilty of libel, and the King's Bench refused an application for a new trial. Mr. Creevey, who had been fined 100l. complained to the House of the proceedings of the King's Bench: but the House refused to admit that they were a breach of privilege."

The House of Commons ruled that there is no privilege for a republished speech.

The House itself said that it had no privilege for a speech which he had got republished. There is another case, it is a very long case. The purport of it is this, that if it is a fair and faithful report of a speech in the House of Commons, then it can be used as basis for libel action. Civil or Criminal,

Mr. President (The Honourable Sir Abdur Rahim): What is the number of this Rule?

The Honourable Sir Nripendra Sircar: Section 67(7) of the Government of India Act, Manual, page 72. This is what it says:

"Subject to the rules and standing orders affecting the chamber, there shall be freedom of speech in both chambers of the Indian Legislature. No person shall be liable to any proceedings in any court by reason of his speech or vote in either Chamber, or by reason of anything contained in any official report of the proceedings of either chamber."

This is the right given by Statute. This Subordinate Legislature has no "privilege" like that enjoyed by Parliament, under ancient custom.

Mr. President (The Honourable Sir Abdur Rahim): That is a privilege of the person making the speech, and no action is taken against him on that speech.

The Honourable Sir Nripendra Sircar: Yes, and the number which contained this article has not been prevented from being circulated. Millions and millions of people can read it now.

These are my objections, Sir, and I submit that this extraordinary procedure of indulging in a discussion like this without notice of motion, and cutting into the day's work, should not be allowed to go on until all the conditions have been fulfilled.

Mr. B. S. Sarma (Nominated Non-Official): Irrespective of this technical and legal objection that the Honourable the Law Member has taken, I want to object to it on a matter of fact which is relevant to the question, namely, whether he has got a copy of the

publication in which this speech was published. I maintain that the speech, as published in the paper, was not the speech delivered on the floor of this House.

Sardar Sant Singh: I am thankful to the Honourable the Law Member who has so chivalrously informed me beforehand of the objections which he wanted to take to this motion, and for that I think the thanks of this House are due to him.

Mr. President (The Honourable Sir Abdur Rahim): Let the Honourable Member address himself to the objections which have already been taken in the House.

Sardar Sant Singh: I am coming to that. There is no doubt that the question involved in my motion is a question of vital importance to the Members of this House. It would have been better if the Honourable Member had not taken any technical objections, for the simple reason that every Member of this House is entitled to know where he stands in the matter of freedom of speech allowed to Members of this House. At the same time, the Members ought to know how far they are right and are privileged to publish the speeches of Honourable Members. However, as the Honourable the Law Member has chosen to take objection to my motion on technical grounds, I proceed to deal with them *seriatim*.

The first objection that the Honourable Member has taken is that I ought to have made this objection at the earliest opportunity. I gave notice of an adjournment motion on the first day of the opening of the Session. I did not know that my motion would be ruled out of order. . . .

Mr. President (The Honourable Sir Abdur Rahim): It was disallowed by the Governor General on the ground that it was not primarily the concern of the Governor General in Council.

Sardar Sant Singh: Next, Sir, I took the step of tabling an adjournment motion on the question of privilege. It was disallowed by you on the ground that such a motion could not form part of an adjournment motion.

Mr. President (The Honourable Sir Abdur Rahim): On two grounds. One was that it was not urgent under the rules and Standing Orders.

Sardar Sant Singh: Then I had to consider my position as regards the method I should adopt to bring the question before the Honourable Members of this House. After studying the question fully, my difficulty was this, that on a previous occasion, that is, on the 10th February, 1932, exactly four years before today, when I raised this question, it was allowed in this House and ultimately the Honourable the Law Member gave the opinion in writing to which I referred the other day, that the Ordinances and the Press Laws did not affect the privileges of the House in any way. As that too was the subject of an adjournment motion, I thought that the privileges of the House could be the subject of an adjournment motion. But, as it was disallowed, I had to reconsider my position and find out ways by which to bring it before the House.

Mr. President (The Honourable Sir Abdur Rahim): As the Chair has mentioned to the Honourable Member, it was disallowed on two grounds—one, that notice was not given of that particular motion on the very first day. Notice was given of a different motion, though relating to the same subject, and it was disallowed by the Governor General. The Chair can tell the Honourable Member, so far as an adjournment motion is concerned, that on a proper case it will be prepared to reconsider the question if a question arises again. The previous motion was disallowed by the Chair on two grounds as already mentioned.

Sardar Sant Singh: Now, the position is, my Honourable friend has quoted from May's Parliamentary Practice at page 64.

Mr. President (The Honourable Sir Abdur Rahim): The Chair would like to know what is the Honourable Member's reply as regards *prima facie* case. The Chair will then hear the Honourable Member on the point that there is no authority under the rules and Standing Orders for bringing in a motion like this.

Sardar Sant Singh: I will meet these two points. As regards the *prima facie* case, my motion reads like this:

"In view of the action of the Local Government in demanding security from the *Abhyudaya* of Allahabad for printing the full text of the speech of Pandit K. K. Malaviya, M.L.A., made in the Assembly on the 6th September, 1935, in Simla, during the discussion on the Criminal Law Amendment Bill, the Assembly do proceed to discuss the question of the privilege of the freedom of speech and its publication in the press enjoyed by the Members of the Assembly."

As regards the last phrase in my motion, "enjoyed by the Members of the Assembly", I take my stand on the written opinion of the Law Member given in this House on this very question about the freedom of speech and its publication. So, there can be no doubt that Honourable Members of this House do enjoy this privilege according to that written opinion.

Mr. President (The Honourable Sir Abdur Rahim): Is that opinion published?

Sardar Sant Singh: Yes, Sir, at page 722, Volume I of 1932 Debates. It runs as follows:

"Sir, with reference to the inquiry which was made of me this morning, I beg to say as follows that, in my opinion, the Ordinances have not made any change in the ordinary law of the land in the matter of publication in the public press or otherwise of the proceedings of the Legislature."

The Honourable Sir Nripendra Sircar: How is that relevant? I do not rely on any Ordinances.

Mr. President (The Honourable Sir Abdur Rahim): The question is this. The Chair might make it clear to the Honourable Member. As regards a *prima facie* case to be made out, does privilege extend to publication by a newspaper of a speech of any Honourable Member of this House? Does the privilege extend to that?

Sardar Sant Singh: The present case is that an Honourable Member of this House published his speech in a paper and that paper has been called upon to furnish security for its publication. With your permission, I will read the order of the Local Government:

"Notice under section 7(3) of the Indian Press (Emergency Powers) Act, 1931, (Act XXIII of 1931):

To

The Publisher of the *Abhyudaya* newspaper, Allahabad.

WHEREAS it appears to the Governor in Council that the *Abhyudaya* newspaper of Allahabad contains in its issue dated October 15, 1935, an article headed 'Assemblymen Pandit Krishna Kant Ji Ki baktrita' (Speech of Pandit Krishna Kant in the Assembly) which contains words of the nature described in the sub-section (1) (b) of section 4 of the Indian Press (Emergency Powers) Act, 1931, an English translation of the objectionable passage of which article is attached to this notice. Now, THEREFORE, in exercise of the power conferred by sub-section (3) of section 7 of the said Act, the Governor in Council hereby requires you to deposit with the District Magistrate of Allahabad security to the amount of Rs. 2,500 (rupees two thousand and five hundred) only in cash on or before January 25, 1936.

(Sd.) H. BOMFORD,

By order of the Governor in Council."

Lucknow, 10th January, 1936.

That is the order of the Local Government. Here the order clearly states that this action has been taken by the Local Government in connection with the speech of Pandit Krishna Kant Malaviya in the Assembly.

Mr. President (The Honourable Sir Abdur Rahim): Is the publication of that speech in the newspaper privileged?

Sardar Sant Singh: Yes, Sir. I will, in this connection, read a short passage from May's Parliamentary Practice. It is on page 107, the last paragraph. It reads:

"If a member should say nothing disrespectful to the house or the chair, or personally opprobrious to other members, or in violation of other rules of the house, he may state whatever he thinks fit in debate, however offensive it may be to the feelings, or injurious to the character, of individuals; and he is protected by his privilege from any action for libel, as well as from any other question or molestation."

It is on the word "molestation" that I base my argument.

Mr. President (The Honourable Sir Abdur Rahim): That does not refer to publication in a newspaper?

Sardar Sant Singh: That is also protected.

Mr. President (The Honourable Sir Abdur Rahim): As regards the rule or law, all that it says is that no person shall be liable to any proceedings in any Court by reason of his speech or vote in either Chamber. If any action had been taken against the Member who delivered the speech, then, undoubtedly, that might be an answer in the Court.

Sardar Sant Singh: If you, Sir, refer to the speech, you will be pleased to observe that it really is in respect thereof.

Mr. President (The Honourable Sir Abdur Rahim): There is the article also?

The Honourable Sir Nripendra Sircar: Yes.

Sardar Sant Singh: I deny it. My friend probably has not taken care to get it translated; otherwise, as I am informed by my friend, Pandit Krishna Kant Malaviya,

The Honourable Sir Nripendra Sircar: Why should I get a translation? I can read that very well.

Sardar Sant Singh: Then, why does the Honourable Member hesitate to show that to the House. The order of the United Provinces Government contains the objectionable passages and they accompany this order. The objectionable passages are in the speech itself, not in the portion pointed out by the Honourable the Leader of the House. The passages are there along with this order.

Now, Sir, may I proceed to answer the other points raised by the Honourable the Law Member against this motion?

He said by referring to page 98 that when a complaint is made of a newspaper, the newspaper itself must be produced in order that the paragraph complained of might be read. Now my submission is that the newspaper itself being in the House, it is immaterial whether I produce the same or the Honourable the Law Member produces the newspaper. It would make no difference. The House will be seized of the contents of the newspaper. Apart from this, the order complained against is the order of the United Provinces Government and that order is here and I have read that order for the benefit of the Honourable Members. Then, the Honourable the Leader of the House conceded the proposition that the mere publication of the speech as delivered in this House would not bring it within the breach of privilege. As a matter of fact, I have tried to point out.....

The Honourable Sir Nripendra Sircar: I made no such admission. I maintained to the contrary.

Sardar Sant Singh: What I mean to say is that when the Honourable Member raised a third objection to the motion being admitted, I understood him to say that it was not the mere text of the speech that had been objected to, but there had been certain passages in the speech extolling the terrorists and some comment upon it.....

Mr. President (The Honourable Sir Abdur Rahim): He objected to the publication in the newspaper being considered privileged. According to the rules, what is privileged is the speech or the publication of it in the official report.

Sardar Sant Singh: According to the rules, freedom of speech is allowed to this House. According to the rules, it is made obligatory upon the

Secretary of the Assembly to publish a *verbatim* report of the speeches delivered and of the proceedings of the House. My line of argument is that it naturally follows that every newspaper has a right to take up the officially authorized publication of speeches and print any speeches. No action can be taken against the newspaper publishing it.

Mr. President (The Honourable Sir Abdur Rahim): That is denied.

Sardar Sant Singh: I am submitting that this is my line of argument. The Honourable the Leader of the House has quoted no case which lays down any rule against this view.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will perhaps find that in May's Parliamentary Practice.

Sardar Sant Singh: There is none in May's book.

The Honourable Sir Nripendra Sircar: I read that out.

Sardar Sant Singh: I already replied to that. The Honourable Member alluded to Lord Abingdon's case and Mr. Creevey's case, and I commented upon them as inapplicable to the facts now before the House. Then, the Honourable the Leader of the House took shelter behind rule 6 of the Indian Legislative Rules. Rule 6 says:

"On other days no business other than Government business shall be transacted except with the consent of the Governor General in Council."

He also fortified himself by referring to rule 24-A which says:

"No discussion of a matter of general public interest shall take place otherwise than on a Resolution moved in accordance with the rules governing the moving of Resolutions except with the consent of the President and of the Member of the Government to whose department the motion relates."

To these two objections I make the following reply. The first is that this motion is not a motion of business. It is not a business as a matter of fact. It has been amply laid down at pages 262 to 264 of May's Parliamentary Practice that a motion relating to the privilege of the House takes precedence over all other business.

The Honourable Sir Nripendra Sircar: It is a business and it takes precedence over all other business.

Sardar Sant Singh: May's Parliamentary Practice says:

"The proceedings of the House may be interrupted at any moment save during the progress of a division by a motion based on a matter of privilege, when a matter has recently arisen which directly concerns the privileges of the House; and in that case the House will entertain the motion forthwith."

Rule 6 has absolutely no application; nor has rule 24-A. Rule 24-A deals with motions of general public interest. This is not a motion relating to general public interest, but it is a motion relating to the privileges of the Members of the House. That is the distinction between this motion and motions contemplated by rule 6 and rule 24-A. There

Sardar Sant Singh: My submission is that it protects the Press which publishes the speech. Otherwise, such a privilege would be meaningless.

Mr. President (The Honourable Sir Abdur Rahim): That is exactly the point. Where does the Honourable Member find that?

Sardar Sant Singh: It is in paragraph 3. A Member of Parliament had certainly a right to publish his speech, but that speech should not be made a vehicle of slander against any individual. If it was, it was a libel. He has a right to publish his speech, provided no third parties are slandered.

Mr. President (The Honourable Sir Abdur Rahim): That plea was taken in the Court itself.

Sardar Sant Singh: Here the matter has been taken up by a Local Government which is the executive authority in the land.

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. President (The Honourable Sir Abdur Rahim) in the Chair.

Sardar Sant Singh: Sir, I was discussing the point whether Members of this Honourable House have got the privilege of publishing their speeches in the public press and whether the privilege of the freedom of speech extends to such publication. My submission is that the Honourable the Law Member has quoted two cases. One is the case of Lord Abingdon at page 108 of May's Parliamentary Practice. In that case, it was decided by Lord Kenyon that:

"A member of Parliament had certainly a right to publish his speech, but that speech should not be made a vehicle of slander against any individual; if it was, it was a libel."

So this case, instead of going against me, really goes to establish my proposition that if there is any freedom of speech in the House, it naturally follows that that freedom extends further to publishing the same, provided.....

Mr. President (The Honourable Sir Abdur Rahim): If it contains any actionable matter, then action can be taken?

Sardar Sant Singh: By a third individual. All these cases unfortunately relate to the law of libel, where third individuals were concerned. Here, Sir, there was one Mr. Wason's case given:

"The Lord Chief Justice of England, in a more recent case, further laid it down, that 'if a member publishes his own speech, reflecting upon the character of another person, and omits to publish the rest of the debate, the publication would not be fair, and so would not be privileged', but that a fair and faithful report of the whole debate would not be actionable."

The Honourable Sir Nripendra Sircar: That was a libel case.

Sardar Sant Singh: My submission is that the cases quoted above go to establish the proposition that the freedom of publishing a speech is conceded so long as it does not slander any third individual. The position is further made clear if we take into consideration the fact that the House itself has the power to ban the publication of any speech outside the House. It is within the privilege of the House to say that a particular speech should not be allowed to be published outside. The Parliament has been exercising such powers from time to time. At page 205 of May's Parliamentary Practice, in a foot-note, the following case is quoted:

"On these occasions, the house further resolved that the remainder of the day's sitting should be a 'secret session'. By an Order in Council of 22nd April, 1916, a regulation (No. 27-A) was made under the Defence of the Realm Consolidation Act, 1914, by which it was provided that if either House of Parliament, in pursuance of a resolution passed by that House, held a secret session, it should not be lawful for any person in any newspaper, periodical, circular, or other printed publication, or in any public speech, to publish any report of, or to purport to describe, or to refer to, the proceedings at such session, except such report thereof as might be officially communicated through the Official Press Bureau."

That is to say, the necessity for making this regulation arose on account of the freedom of publication of speeches enjoyed by Members of Parliament. Unless this was the assumption, there is no meaning in prohibiting them from publishing reports of the proceedings of the House. Therefore, my submission is that if we once concede the principle that Members of this House have full freedom from molestation of every sort when they speak their mind in this House, it incidentally follows that such proceedings can be published outside in the public press, provided the report is a faithful one, and, in the case of a *verbatim* report, there is, of course, no risk involved in keeping back anything which the public may desire to know with respect to that speech. Therefore, I would submit that a *prima facie* case has been made out on these points that there is freedom of speech, as is admitted by the Honourable the Leader of the House. It is admitted by the Leader of the House also that this speech has been taken notice of by the United Provinces Government as I read from the copy of the order passed by the United Provinces Government quoted by me in my earlier speech. Therefore, my submission is that it has become incumbent to discuss the nature of the privilege and the limitations of that privilege. That can only be done if you are pleased to go into the question of this breach of privilege. There has been a breach of privilege no doubt. We have to see how far the privilege extends and what are the limitations. For that, of course, by means merely of raising these points of order, that question cannot be gone into. The question still remains about the extent of the privilege. You, Sir, are the custodian of the dignity and privileges of the House, and I would submit that a *prima facie* case has been made out on the point of privilege and the motion should be allowed to take its course of full discussion so that everybody may be enlightened on the point. May I proceed to discuss the other points raised by the Honourable the Law Member?

Mr. President (The Honourable Sir Abdur Rahim): The Chair thinks the order is with reference to the article—not the speech itself?

[Sardar Sant Singh.]

is no provision in the rules as to how the motions for the privileges of the House ought to be taken into consideration. This is a power inherent in the House itself, and you being the custodian of the privileges of the House, I respectfully appeal to you, Sir, that, having this precedent before us, you may be pleased to rule this motion in order.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions: Non-Muhammadian Rural): Sir, I do not intend to deal with all the objections that have been raised by the Honourable the Law Member. But there are one or two points which I have more than once thought of bringing to the notice of the Chair, and I find that this is a suitable opportunity for that and I wish to avail myself of it. The motion has been resisted by the Honourable the Law Member on two grounds. He thinks that this is not the proper method of raising the question, even though there has been a breach of privilege. Then, on the substantive question whether there has been a breach of privilege,.....

Mr. President (The Honourable Sir Abdur Rahim): Whether there is a *prima facie* case.

Pandit Govind Ballabh Pant: He thinks there is not even a *prima facie* case for holding that there has been any breach of privilege as there is no privilege whatsoever involved in the matter. Now, the Honourable the Law Member has referred to Rule 24-A and has said that questions of general public importance can be discussed only by means of a Resolution.

Mr. President (The Honourable Sir Abdur Rahim): You say that does not apply.

Pandit Govind Ballabh Pant: Yes, Sir, I submit this question has taken rather a very ironical course in this House. Firstly, there was a motion which was ruled out by the Governor General; secondly, there was a motion for the adjournment of the House which was again ruled out. Thirdly, there is now a motion on the ground of breach of privilege, and we are told now that the proper method would be to table a Resolution and not to make a motion in the manner in which the Honourable Member has tabled this question and has raised it today. My fear is that if a Resolution were tabled, and as it would necessarily, from the nature of the case, be confined to this particular instance of one individual case, the recommendation would be that "this House recommends that the Governor General in Council should cancel the order imposing a penalty on the *Abhyudaya*" it would be ruled out on the ground that it is not a question of general public interest. It may be a question of public interest, but as it affects only one individual, as such it is not a matter of general public interest. I believe I am not far wrong in thinking that questions affecting individuals, howsoever important they may be, could not by themselves form the subject matter of a Resolution. But, Sir, I am glad that the Honourable the Law Member has not restricted himself to quotations from May's Parliamentary Practice alone. He has

considered the rules contained in our own Manual as being relevant for the purpose of disposing of matters of this sort. It is my feeling that there is a facile tendency of placing too much of implicit confidence on May's Book and of taking important decisions on isolated sentences quoted from May irrespective of the text of our own rules. The other day, the Honourable the Law Member referred you to a sentence from May where it is laid down that the question of privilege cannot be raised in the form or by means of a motion for adjournment. I have before me the Manual of Procedure of the public Business in the House of Commons, and here it is laid down.....

The Honourable Sir Nripendra Sircar: I wish my Honourable friend had confined himself to meeting the point of order. I have no objection to his making a general speech and I do not want to stand in his way, but I only claim the right of reply. I never approached the question from this point of view. I simply put forward my objection in bar, but if the Honourable Member raises new points, I have no chance of meeting them except by way of another reply.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should perhaps confine himself to the points raised.

Pandit Govind Ballabh Pant: What I am submitting is that, under Rule 58 of this Manual of Business of the House of Commons, it is laid down distinctly that in the House of Commons the question of privilege cannot be raised by means of motions of adjournment.

Mr. President (The Honourable Sir Abdur Rahim): That is not the Standing Order.

Pandit Govind Ballabh Pant: I am referring to the rules contained in the Manual.

Mr. President (The Honourable Sir Abdur Rahim): That was the Manual published by Sir Courtney Ilbert which contains not only the Standing Orders, but also what is the practice of the House.

Pandit Govind Ballabh Pant: It is an authoritative manual issued by the Speaker of the House. We are on the horns of a dilemma. On the one hand we are told that because this is the practice in the House of Commons that the question of privilege cannot be raised in the form of adjournment motions, therefore the question which arises out of a breach of privilege cannot be the subject of a motion for adjournment.

Mr. President (The Honourable Sir Abdur Rahim): That never troubles the Chair. What the Chair wants to know is this. What is the form in which a question like this can be discussed. The Chair also wants to know whether there is a *prima facie* case made out in this instance.

Pandit Govind Ballabh Pant: Rule 45 of the House of Commons Procedure Rules lays down that a question of privilege which arises suddenly can be raised at any time in the course of the day in the midst of the business; but where it does not arise suddenly, then it takes precedence over the business tabled for the day.

Mr. President (The Honourable Sir Abdur Rahim): Will that meet the difficulty in this connection? Does not the question of privilege seem to connote that the House has some power to deal with the matter? As a matter of fact, the British Parliament, as the Honourable Member is aware, is called the High Court of Parliament and they have certain powers of preventing a breach of privilege and punishing a breach of privilege. This power the Parliament has derived from long usage in the history of Parliament. Have we got any such power, or are there rules and Standing Orders governing the question of privilege? There are two meanings to the word "privilege", the one is that which can be pleaded as a bar to any proceedings in any Court of law. The other is, the House itself can take cognisance of the matter and deal with it under its own powers. Supposing this House has not got any power like that, then, in what sense does the question of privilege arise. In what way does this House have the power to deal with a breach of privilege?

Pandit Govind Ballabh Pant: There is power inherent in the House. As to the power of the House in this matter, it is just on a par with our power in other matters. I submit that it must be open to the House to raise the question of privilege by means of a motion of this type. That is a question of form and I would request the Honourable the President to rule that the motion is in order so far as its form is concerned. Now comes the second question whether there is or is not the question of privilege involved in the matter. And, thirdly, as it has been observed by you, whether we have any power to deal with a question of this type. First of all, I should like to define, as I conceive it, the clear and precise content of the motion or of the question that is involved. I think the question that is in issue is this, whether the press in this country has or has not the privilege of reporting *in extenso* the proceedings of this House, and whether it can do so without being molested by the executive, for here the security has been imposed and demanded by the executive Government. I am not concerned here with the proceedings of Courts relating to libel nor with the invasion of the private rights of citizens. The question is simply this

Mr. President (The Honourable Sir Abdur Rahim): Is it an order of the Magistrate?

Pandit Govind Ballabh Pant: No, it is an order of the Local Government. The Magistrate has nothing to do with it. The Local Government, as a branch of the executive, demands security from a press for publishing a report, let us assume for the moment, *in extenso* of a speech delivered by a Member on the floor of this House. There may be a number of charges included in that order. If this particular item were not there relating to the speech delivered by the Honourable Member, I would concede at once that the question of privilege would not arise. But when it relates to and arises out of a speech delivered by an Honourable Member on the floor of this House, I submit that it is a privilege of this House and it is a privilege of the Honourable Members that their speeches may be reported by the press outside without being subjected to any penalty, molestation or obstruction by the executive Government of the day. The Government ordinarily is a part of, and subordinate to, the Legislature. I am not concerned, as I submitted, with the rights of individuals, nor am I concerned with the precedents of other countries.

Mr. President (The Honourable Sir Abdur Rahim): The rule regarding freedom of debate does not go so far as that.

Pandit Govind Ballabh Pant: My submission is that it is a corollary to the right of freedom of speech that there should be freedom of publication.

Mr. President (The Honourable Sir Abdur Rahim): Freedom of speech is contained only in section 67 of the Government of India Act; there is no other rule.

Pandit Govind Ballabh Pant: There is no other express rule. And I submit that freedom of speech covers and carries with it by implication the right of publication of speech. Now, Sir, I would just invite your attention to the anomaly which would arise if such an unrestricted right of faithful reproduction or of a fair presentation of the proceedings of this House were not conceded to be, by implication, guaranteed by this rule.

Mr. President (The Honourable Sir Abdur Rahim): This is a reproduction of the speech delivered in this House?

Pandit Govind Ballabh Pant: Yes. Now, I submit, there is not a single instance in which Parliament has penalised a person for reporting a speech. I am speaking of the recent times. I am not speaking of the days when secrecy was the rule of Parliament: that was a different age then. But the important point is this. The duty is imposed by the law itself on the executive Government to make arrangements for the reporting of speeches and the duty is imposed on the Secretary of this House as a public functionary to publish the speeches that are delivered here, and to give a correct report of the proceedings of this House for the enlightenment, guidance and information of the public. Now, to what anomaly would it lead if, on the one hand, the duty were imposed on the Secretary of the Legislature to publish these reports, and a paper which copied out the report issued by the Secretary were hauled up or punished for having published a speech from his report? That, I submit, is an untenable position; it is indefensible. By the very nature of the case the right is guaranteed to every individual printer to publish the proceedings of this House.

The Honourable Sir Henry Craik (Home Member): No.

Pandit Govind Ballabh Pant: I am submitting my views. I was just referring you to something which is in this book on the procedure in the House of Commons by Redlich, Volume II, page 50:

"In consequence of this statement, the House appointed a select committee, the report of which led to solemn resolutions that the power of publishing parliamentary reports, votes and proceedings was an essential incident to the constitutional functions of the House."

Mr. President (The Honourable Sir Abdur Rahim): It is not an official publication?

Pandit Govind Ballabh Pant: It is not. They have no official publication. The *Hansard* is an un-official publication. It is not official in the strict sense as the House of Commons or the Government are not in any way answerable to anything which appears there.

Mr. President (The Honourable Sir Abdur Rahim): Is not that regarded as an official report?

Pandit Govind Ballabh Pant: It is regarded as an official report just as if you gave me a licence to report the proceedings of this House. Subject to your approval, my publication would be correct.

Mr. President (The Honourable Sir Abdur Rahim): There is no other official report?

Pandit Govind Ballabh Pant: No, there is no other report. My submission is this, that wherever there is a democratic institution, there privileges grow and conventions develop, but when the executive have such extraordinary powers as they possess in this country which are obnoxious to the elementary notions of democratic government, if they are allowed to control and check the publication even of the speeches delivered in this House, then the very fundamentals of democratic Government would be sapped; the very foundations would be turned upside down. So there are certain privileges which must be assumed to be implicit in the constitution itself, to be inherent in the very nature of things. I submit that, situated as we are . . .

Mr. President (The Honourable Sir Abdur Rahim): The *Hansard* is the official report of Parliament?

Pandit Govind Ballabh Pant: It is called the official report. *Hansard* is published by a private company which gets a subsidy from Government.

Mr. President (The Honourable Sir Abdur Rahim): It is treated as an official report?

Pandit Govind Ballabh Pant: The report is official in the sense that its text is accepted, but it is not issued by the Government of the day or under their auspices.

The Honourable Sir Henry Craik: I think it is official.

Pandit Govind Ballabh Pant: I will leave it to the Honourable the Law Member. It is called official in the sense that *prima facie* it must be assumed to be correct. I submit that the question before you is not whether the privilege is absolute or not, but whether this is or this is not a case in which *prima facie* you must proceed with the further consideration of the subject. At this stage, we are concerned only with this much, whether a *prima facie* case has been established—and I submit, Sir, with all earnestness, that it involves vital questions, questions of very great importance, and it would be very unfortunate indeed if you were to rule out that it is such a wild and reckless motion that it does not deserve any consideration whatsoever—that you are satisfied fully that there is not the least possibility of anybody holding that there is any question of privilege. That is all that you are required to hold at this stage. So I submit that the motion is in order, and it may very kindly be accepted.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, the matter is of such great importance that I would like to draw your attention to one or two points. The first question that the Honourable the Law Member raised was the question of delay. I really think that you will not accede

to that argument, because, if there was any delay, it was a delay not due to negligence on the part of the Honourable Member who has moved this motion; he was pursuing his remedy. In the first instance, he came forward and brought this motion: it did not succeed; in the second instance, it does not succeed; and he has brought it in the course of the last two days. The delay means what? It means really that the party has been guilty of very great negligence. On the contrary, the Honourable Member has been pursuing his redress and remedy most actively. Therefore, I submit that the question of a day or two ought not to weigh with you at all in a matter of this kind. Then, the second question that arises is this. *Prima facie* it appears from the order of the Government of the United Provinces that this security is demanded from this newspaper on the ground that it published a speech of the Honourable Member made on the floor of this House. That is the *prima facie* justification for the demand of the security. If that is so, let us examine now whether there is a breach of privilege. It cannot be denied that Honourable Members of this House have privilege to make a speech with the utmost freedom, to use any language they like, subject to your orders

Mr. President (The Honourable Sir Abdur Rahim): And the rules and Standing Orders.

Mr. M. A. Jinnah: Subject to that, we have complete freedom to make any speech that we like, express any opinion that we like; and we are not liable to any action outside by any Court, civil or criminal. I think that that will be conceded. Now, let us take this instance: suppose the United Provinces Government, or, for the matter of that, this highest and mightiest Government of India were displeased with my speech on the floor of this House, and supposing they pass some executive order against me under the Criminal Law Amendment Act, which is subject to no judicial examination, and supposing they stated the reason there that this action was taken against me by the Government of India on the ground that I made a seditious speech on the floor of this House. If that reason is given, where is my remedy? Not in a Court of law. It is an executive order. Where can I go? To whom shall I appeal? I say, this House (*Opposition Cries of* "Hear, hear")

Mr. President (The Honourable Sir Abdur Rahim): Suppose the Government take action on the basis of any law?

Mr. M. A. Jinnah: I say I have no remedy. It is an executive order. If it was a case of my being prosecuted in a criminal Court, I would certainly say I was privileged, and the Court had no jurisdiction to try my case—that the Government of India Act lays that down. If I was pursued in a civil action for damages against me, because I had libelled somebody, my defence will be "Privilege: Government of India Act". Now, if the Government of India make an order against me—an executive order—that because I happened to make a speech which was undoubtedly seditious—no question about that, I admit it is seditious,—then I have no remedy in any Court of law. Am I not then entitled to come to this House and say that we must proceed to discuss this question whether the Government have not done something which no Court of law can do? It is a breach of my privilege—I have a right to make a speech, and I have a right to have it published: that cannot be disputed

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not know that it is not disputed.

Mr. M. A. Jinnah: No, Sir; I have every right, subject to this, that it is a fair and faithful publication. I am talking of a Court of law. In a Court of law, I cannot be held liable, provided I get a fair and faithful report of my speech published

The Honourable Sir Nripendra Sircar: My Honourable friend may be right, but it was not conceded: I shall maintain the contrary

Mr. M. A. Jinnah: I do not quite follow . . .

The Honourable Sir Nripendra Sircar: That there can be no action in a Court.

Mr. M. A. Jinnah: If it is a fair and faithful report?

Mr. President (The Honourable Sir Abdur Rahim): He disputes that.

Mr. M. A. Jinnah: Here is the authority. I am talking of the general principle of law: I am not talking of our Statute for the moment. The general principle of law, which is as old as the hills, so far as the English law is concerned, is that nobody is liable, provided the report is fair and faithful. Here it is laid down in May's Parliamentary Practice at pages 108-109

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member mean Wason's case?

Mr. M. A. Jinnah: Yes, Sir:

"The Lord Chief Justice of England, in a more recent case, further laid it down, that 'if a member publishes his own speech, reflecting upon the character of another person, and omits to publish the rest of the debate, the publication would not be fair and so would not be privileged', but that a fair and faithful report of the whole debate would not be actionable."

Mr. President (The Honourable Sir Abdur Rahim): The whole debate.

Mr. M. A. Jinnah: Let us go step by step, Sir. I say, first of all, supposing a newspaper published the proceedings of the debate, and, in publishing the proceedings of the debate, there was that objectionable speech also. That is a fair and faithful publication of the whole proceedings: that would not be actionable.

The Honourable Sir Henry Craik: Against a newspaper it would be actionable.

Mr. M. A. Jinnah: But we are talking of the newspaper: it is the newspaper that is now here—not the Honourable Member. If the Honourable Member was here, then there is no action: it is clear as daylight that the Honourable Member has the privilege: that cannot be questioned. If it was the Honourable Member who was proceeded against by anybody, then it would be a clear breach of privilege. That question would be quite

a simple one." But the question now before us is more difficult. I want to be quite fair. I do not want in any way to represent things which are not correct. As I say, the question here becomes more difficult, because we have a different entity: it is the newspaper; and the question is this: it is very simple if I may put it in a very few words—I do not want to take up too much time—a newspaper no doubt is open to action against it if it is found that it has published something which is offensive according to law—either civil or criminal. But if it was a Court of law, it would be open according to the rules to plead that it is the privilege of a Member to have his speech published—that it is the privilege of the newspaper to have the proceedings published; and so long as they are true, fair and faithful, it is not liable to any action. Now, is there no remedy—there is no remedy as far as I can see—against an executive order? Is that question now to be decided by this House or not? I say that the only remedy open to us is that we must at least lay down some rule—surely the executive authorities must be governed by some rule, by some principle. Is there to be no rule, no principle for the executive authority? Are we not entitled, therefore, to say that while, with regard to the normal position, even the highest tribunal in the land has to observe certain principles upon which they have to act, the executive has no principle to act upon?

Mr. President (The Honourable Sir Abdur Rahim): What are those principles?

Mr. M. A. Jinnah: The principle is this: freedom of speech: this is the answer for you to consider, that the freedom of speech gives me a right to publish it, and that I am not punishable—that is the question we have to decide that the executive, wherever they are, have to observe this rule: that once I have the privilege of freedom of speech, it gives me as a consequential privilege, the privilege of publishing it. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member says that whatever action a Court may take is a different matter; but if the executive authority takes any action, this House's privilege is affected, and this House can take action?

Mr. M. A. Jinnah: Yes, Sir; that is the whole of my argument; and I say, therefore, this House must discuss and express its opinion—it is for the Honourable Members who represent the Government of India to observe it or not. . . .

Mr. President (The Honourable Sir Abdur Rahim): How does the Honourable Member express that opinion?

Mr. M. A. Jinnah: This way, Sir. The same rules must be followed as you would find with regard to a Member who has a right to publish his speech. I have a right to publish my speech. If you give me the privilege to stand here and make a speech which I consider are my honest, independent, fearless views, why am I not, as a corollary, entitled to publish it? Of course, a true and faithful speech, and not a different one,—why am I not entitled to publish that and request my friends who are just above me to publish it?

An Honourable Member: The Fourth Estate?

Mr. M. A. Jinnah: Why am I not entitled to publish it?

The Honourable Sir Henry Craik: The Statute lays down that you cannot.

Mr. M. A. Jinnah: Where is the Statute?

The Honourable Sir Henry Craik: Section 67 (7) of the Government of India Act.

Mr. M. A. Jinnah: I have read that Statute and it clearly says this:

"(7) Subject to the rules and standing orders affecting the Chamber there shall be freedom of speech in both Chambers of the Indian Legislature. No person shall be liable to any proceedings in any Court by reason of his speech or vote in either Chamber, or by reason of anything contained in any official report of the proceedings of either Chamber."

This is not exhaustive. This merely gives direction of all kinds, firstly, it is a protection to the person who makes a speech: and, secondly, it is a protection to those who, under the official orders, have to publish the official report, but that does not exhaust the whole thing. This does not mean that every person, if he gets his speech published, is liable to action. My point is this. If you give me the freedom of speech, I have the freedom to publish it, otherwise the privilege is useless ("Hear, hear" from Opposition Benches).

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official): May I ask one question, Sir,

Several Honourable Members from Opposition Benches: Order, order.

Mr. M. A. Jinnah: Therefore, I say, Sir, with great respect, that this is not exhaustive, and that is the very reason why I am anxious in a matter of this importance.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got a right to publish it?

Mr. M. A. Jinnah: Yes.

Mr. President (The Honourable Sir Abdur Rahim): What authority has the Honourable Member got for it? Has he any authority for it, or he is merely proceeding on a general principle?

Mr. M. A. Jinnah: Sir, to tell you quite frankly, I really had no intention to get up and speak on this subject, because I only learnt very late that a question of this kind was coming up. Till this morning, or, for the matter of that, until luncheon time, I had not applied my mind to this. The matter is so important that it requires very careful consideration, and, therefore, I cannot answer.

Mr. President (The Honourable Sir Abdur Rahim): If there is a *prima facie* case, then the Chair can fix a date.

Mr. M. A. Jinnah: There is certainly a *prima facie* case; there is not the least doubt about it, because, Sir, if you will read the order you will see.

Mr. President (The Honourable Sir Abdur Rahim): The Chair says this, subject to any other objection taken by the Honourable the Leader of the House, for instance, that it cannot be brought on on an official day.

Mr. M. A. Jinnah: There again, Sir, I say with due respect, the Honourable Member is overstating his case, for, Sir, under our rules, the Governor General no doubt lays down certain days for our business, but if you follow the Parliamentary practice in regard to a motion of this character, the moment such a motion is admitted, it follows that all our normal business must be suspended. It takes precedence over everything else, and the Government have, therefore, to find some day. If the Governor General does not give us any more days, that does not absolve the Government, the moment the motion is admitted, from giving some day.

Mr. President (The Honourable Sir Abdur Rahim): It is not a question of admission of this motion. The Chair has allowed it, because it was not sure what would be the position. It is a very important question, and so the Chair just allowed it to be argued.

Mr. M. A. Jinnah: Supposing we have to discuss the merits of this motion, then some day must be given, and so the argument that there is no other day available will not do.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think it made itself clear. The objection is that a motion to consider the question of privilege cannot be brought in on a notice like this.

Mr. M. A. Jinnah: On an adjournment motion.

Mr. President (The Honourable Sir Abdur Rahim): As regards the adjournment motion, the Chair has, as a matter of fact, given its ruling that the matter cannot be brought up on an adjournment motion, but the Chair would be prepared to reconsider that. The Chair decided the previous motion on another ground as well, as it said in the very beginning, that it was not in its opinion urgent according to the rules.

Mr. M. A. Jinnah: You decided on the ground first, there was a delay, and, secondly, there was no kind of breach of privilege.

Mr. President (The Honourable Sir Abdur Rahim): The question of privilege could not be brought on an adjournment motion.

Mr. M. A. Jinnah: The subject-matter of privilege.

Mr. President (The Honourable Sir Abdur Rahim): What was passing in the Chair's mind was the question of breach of privilege. It was not a question of adjourning the business and censuring the Government. The House might take action to remedy such a breach of privilege.

Mr. M. A. Jinnah: Therefore, Sir, the only procedure open to us is this, that a day should be fixed. The moment the day is fixed, then, on that day, this question should be put down as to what steps, if any, should be taken.

Mr. President (The Honourable Sir Abdur Rahim): The reason why the Chair has allowed this question to be raised is to find out what would be the proper procedure. The Chair could, of course, having considered it itself, have disallowed it on the ground that it could not be brought on an official day, but the Chair wanted to consider the question whether the House could follow the Parliamentary practice in this respect or not, or whether the House is debarred by its rules and Standing Orders from taking up such a question on an official day. The Chair wanted to consider that. Of course, much time of the House has already been taken up, but it could not be helped.

Mr. M. A. Jinnah: My only reply is this, Sir. There is nothing in our rules, and, therefore, we have to fall back upon the Parliamentary procedure as far as possible.

Mr. President (The Honourable Sir Abdur Rahim): The contention of the Honourable the Leader of the House is that our rules prevent any other matter being discussed on an official day without the consent of the Governor-General in Council.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Any other business.

Mr. President (The Honourable Sir Abdur Rahim): The Chair takes it this is business.

Sir Muhammad Yakub: There is difference between business on the agenda and matter.

Mr. President (The Honourable Sir Abdur Rahim): The Chair could have disallowed the motion on the ground.

Mr. M. A. Jinnah: This is neither official nor non-official business. This is the business of the House ("Hear, hear" from Opposition Benches), and it must take precedence over everything else, including the Government business, because it is the business of the House. I think the Honourable the Law Member himself is involved in this as much as anybody else, because it is his privilege also. It might really come to this, that some action might be taken against him for making a speech here. (Laughter.)

The Honourable Sir Nripendra Sircar: I would rather have that than waste two days of time of this House; I would rather welcome action against me than waste the time of Members of this House.

Mr. President (The Honourable Sir Abdur Rahim): If the Chair holds that this rule does really debar this motion being brought up, the Chair will really be itself responsible for the time that has been taken up. The Chair was doubtful, and, therefore, it wanted the question to be discussed.

Mr. M. A. Jinnah: May's Parliamentary Practice says:

"Proceedings of the House may be interrupted at any moment, say, during the progress of a division, by motion based on a matter of privilege when the matter has recently arisen which directly concerns the privileges of the House."

It is business,—in one sense it is business. I cannot say it is not business, because everything we are doing here is business. When you look at the Manual, it really means a particular kind of business, that is, such work or such matters as the Government may bring on on official days or such work or matters as the non-officials may bring on on non-official days which are allotted by the Governor General. Therefore, this is business, but it is not business which is intended by these rules; it is outside these rules; it is not covered by these rules. If you have no cut and dried rules which deal with a matter of this character, you will have to fall back upon the Parliamentary practice,—the Parliamentary practice which this House follows and which you and your predecessors followed in giving their rulings. You are not tied down by these rules. Government have got to give some day. Either they put it on an official day, or if they like, they can appeal to the Governor General to appoint a special day. Otherwise, what will be the consequence? In that case, you will never have this sort of matter discussed at any time in this Assembly.

The Honourable Sir Henry Craik: By Resolution.

Mr. M. A. Jinnah: This is not an ordinary matter; this is a matter which at once gets precedence; it even goes to this length that even when you are debating, even when you go on debating an important measure, even then it can be interrupted except the actual division. The whole principle is different. You cannot give notice of a Resolution which has to be balloted for. It is not intended that a business of this kind, a subject of this character should be dealt with by that way. Therefore, it must take precedence over everything. I do ask the Honourable Member really that we must try and maintain the dignity of the House. I am speaking earnestly, not because what the result may be ultimately, but I do think that this is a very serious matter, a matter of great importance, of great importance to the Members themselves as well as the press in the country. Therefore, I do submit that this matter ought to be allowed to be discussed and that the Manual does not really deal with this matter. You are free to follow the Parliamentary practice and say that some day must be fixed. If the Government cannot fix a day, very well, it is their responsibility. (Applause.)

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Sir, it would be very unfortunate if an issue of this importance were to be determined on the ground that the Government cannot find a day for its discussion. That appears to be the nature of the difficulty that is sought to be presented to the House in dealing with this matter. I can assure you and the House that I have no desire to travel over the ground that has been covered, but I feel it my duty to examine the three points which emerge from the questions put by you from the Chair as well as from the speeches of my Honourable friends. In substance, this motion before the House is a complaint brought before the House that there has been an action amounting to breach of

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that so far as this House is concerned, it has not yet developed by precedent or otherwise the power to constitute itself into a tribunal and to call before it at its bar persons guilty of the breach of such privilege, but I hope and trust that it will take a lesser time, having regard to the knowledge now gained of democratic institutions in the world, before such a power is assumed by this House. As to when it will do it, that is another matter. Whether this House is in the position of punishing individuals or parties who are guilty of the breach of privilege is not a matter which should stand in the way of the consideration, first, whether the privilege which is claimed exists, and, if so, whether by the action in question that privilege has been broken. What the rule says is this:

"The Governor General, after considering the state of business of that Chamber, shall allot so many days as may, in his opinion, be possible compatibly with the public interests for the business of non-official members in that Chamber and may allot different days for the disposal of different classes of such business and on days so allotted for any particular class of business, business for that class shall have precedence. On other days no business other than Government business shall be transacted except with the consent of the Governor General in Council."

This rule, if it is read literally, comes to this that there is no day for the House to have this matter discussed at all. Either it is a day allotted for the discussion of non-official business or it is the monopoly of the other side of the House. Consistently with this rule, we say, all public business, as referred to in rule 6, has to give way to this paramount business, namely, the preservation of the dignity of the House and the consideration of a matter that affects its privileges. Then, Sir, rule 24A does not carry the matter any further:

"Save in so far as is otherwise provided by these rules or in any case in which a communication is to be made to the Governor General in Council under any provision of the Government of India Act or of these rules, no discussion of a matter of general public interest shall take place otherwise than on a Resolution moved in accordance with the rules, etc."

The argument is that this, being a matter of public interest, is barred by 24A, but a matter may have two phases. It may be a matter of public interest. It may also be of higher interest to the House itself. You cannot oust the subject of privilege of the House, because it also may be a matter of general public interest. In one sense, the privileges of the House are matters of public interest, but you cannot strain those words to oust a matter of the privilege of the House, because the privilege concerned or its breach, namely, the act concerned, either or both may be otherwise matters of general public interest. It is not as if only one side of the House is concerned in this affair. I hope and trust that that will not be the position and that cannot be the position of even the irresponsible Government sitting in this House. The argument used is that this is a matter of general public importance, and, therefore, can only be dealt with by a Resolution.

Mr. President (The Honourable Sir Abdur Rahim): If it is a question of privilege which concerns all sections of the House, then why not invoke 24A?

Mr. Bhulabhai J. Desai: What I am submitting is that this is not primarily a matter of general public interest. The confusion of thought arises in this way. The speech may or may not be of public interest. I mean the publication or the prevention of the publication may or may not be a matter of public interest. That has nothing to do with the issue.

Mr. President (The Honourable Sir Abdur Rahim): Motions for appointing Standing Committees and things like that all come within 24A?

Mr. Bhulabhai J. Desai: And, with great deference, I do not believe very much in objections of this kind which are largely indulged in really on the other side. I am more concerned with the substance.

Mr. President (The Honourable Sir Abdur Rahim): If it is a question of the privileges of the House, that is also a question for every section of the House. If that is so, then why not bring it under rule 24A?

Mr. Bhulabhai J. Desai: I say, it should be outside the matters of public business for which rules are expressly made.

Mr. President (The Honourable Sir Abdur Rahim): Why does the Honourable Member say 24A does not apply?

Mr. Bhulabhai J. Desai: Let me put it this way. I do not say that it may not be brought under 24A, but what I do say is that 24A should not be pleaded in bar of my first contention, I may have brought it up as a matter of Resolution, but it would not be the appropriate way.

Mr. President (The Honourable Sir Abdur Rahim): If there is a definite procedure, why should I assume. . . .

Mr. Bhulabhai J. Desai: I am giving the answer, because, if this is the definite procedure, it comes back to this that, in so far as the moving of Resolutions is concerned (on the hypothesis of which we are now working), I will first answer that by referring to sub-rule (3) to which my attention has been called. What is the hypothesis on which this matter has been argued? The first point is that the Government not only can but will block, if they can, any Resolution for the purpose.

Mr. President (The Honourable Sir Abdur Rahim): Must I assume that?

Mr. Bhulabhai J. Desai: There is a further objection that is taken apart from the technical objection. All the objections taken clearly show, to any man of common sense as I submit, that certainly a Resolution, if it were ever tabled in this matter, could only emanate from the non-official Members of this House.

I am reading 24A:

"No discussion of a matter of general public interest shall take place otherwise than on a resolution moved in accordance with the rules governing the moving of resolutions except with the consent of the President and of the Member of the Government to whose department the motion relates."

[Mr. Bhulabhai J. Desai:]

its privilege, and the question before the House is whether or not the complaint should be dealt with. I wish all other considerations for the moment to be set aside before approaching this issue in the proper way in which it should be approached. The motion amounts to this that by an executive order there has been a breach of privilege of the House, and I will deal with the matter in the manner in which by interlocutory questions, the Chair was putting it to the Members who have already taken part in this debate. The first and the foremost point to be remembered is that, so far as this House is concerned, it is of recent origin, and, therefore, you cannot find a 200-year practice as you would find with reference to the House of Commons in dealing with matters of this kind. Sometimes the practice of the House of Commons is cited when it suits certain objections, and sometimes it is said we must now go back to our rules. That, I submit, is not a method which is to be encouraged except to the extent that it is found entirely obligatory on the Chair.

Mr. President (The Honourable Sir Abdur Rahim): If there is anything in the rules which forbids following a certain Parliamentary practice, then it cannot be followed, but if there is not, and if the rules are silent, then the Parliamentary practice is followed, and what we want to find out is what is the right procedure.

Mr. Bhulabhai J. Desai: Therefore, the question before the House is whether there is anything—and I shall deal with the rules in a moment—whether there is anything in the rules which is inconsistent with the suggestion that is now being made by my Honourable friend, Mr. Jinnah, that it is a matter which falls entirely outside the contemplation of the rules as they stand, for the fact remains that there is nothing in these rules dealing with how matters of privilege are to be brought before the House for its discussion, for its determination and for its decision. If a *prima facie* case is made out, it is necessary to bear in mind how the matter would be dealt with by the House of Commons, what course it would have taken at that stage in the House of Commons. In the House of Commons, as my Honourable friend, the Leader of the House, read out page 471, it takes this course:

"A committee upon a matter of privilege may be appointed and nominated forthwith without notice."

He afterwards said that this is not material. But it is extremely material in order that you may be able to see what is the course to be adopted. Therefore, the matters to be dealt with are two; the first is, how and to what extent it has precedence over the rest of the business of the House, as it is called "public business". And I want you in that connection to read pages 264 and 471 together. Page 264 runs as follows:

"A privileged matter can also be brought forward without notice (the next sentence is important) before the commencement of public business and is considered immediately on the assumption that the matter is brought forward without delay and that its immediate consideration is essential to the dignity of the House."

My Honourable friend quoted this in an entirely different context hoping that it had only value from his own point of view. He was pointing out and emphasising the word, "delay", but the real importance lies in the earlier and substantive part, namely, "A privileged matter may also be brought forward without notice before the commencement of public business". All the rules that he has relied on are rules of what may be described as "public business", in other words, public business emanating or initiated by Government, or public business (in a limited way) which is allowed to be initiated by the non-officials. The very terms of the practice lay down quite clearly that this matter is outside and above public business, in that it is a privilege of the House; so that, when it concerns the House, naturally everything else gives way to it. Therefore, the rules which are there have got no bearing, and I shall read the rules in the light of this statement of the practice of the House of Commons. There are two ways in which the matter is dealt with. It may arise out of something that occurs in the House. It may arise out of something that occurs outside the House, but when it occurs outside the House and does not primarily concern the House itself (as in the case of privileges of the House), it takes precedence over the business of the House, in the narrower sense of the adjournment of the House for the purpose of discussing matters of urgent public importance. Now, why does the other business of the House give way to that particular Resolution?

Mr. President (The Honourable Sir Abdur Rahim): That is provided for in the Rules.

Mr. Bhulabhai J. Desai: I know that. Here it is a question of the rights of the House itself. Whether the word "privilege" is used or whether the word "right" is used is a matter of little consequence. I submit that it would be proper to analyse even the term "privilege" as it has been discussed in relation to this particular motion, so that the importance of the matter may be appreciated. My first answer is that it would be very unfortunate and it would not also be right, if my submission is correct, if this matter is merely shelved or dismissed, because it is said that Government may or may not be able to find a day, but if my submission is right, it does not depend on their discretion to block the House to maintain its own dignity, because that is the ground on which it is put. I submit that its immediate consideration is essential to the dignity of the House, so that the matter cannot rest on the discretion of the Government to find a day or not. The matter rests entirely in the discretion of the House itself, subject, of course, to the ruling by the Chair whether the motion is otherwise in order. Now, the two issues here are whether there is a *prima facie* case for consideration by the Committee and whether or not a privilege is involved. If it is made to appear *prima facie* that a privilege of the House may possibly be involved then a committee must be appointed. Then the issues before that Committee would be two, firstly, whether or not there is a privilege of the House, which is involved in the matter at all, and, secondly, whether a breach of such a privilege has taken place by the particular action which is complained of. On that the Committee will report to the House, and the House will consider the issue and come to a decision whether there has been a breach of privilege. Then, you put it to my friend, Mr. Jinnah.

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Again, if it were a matter entirely resting with you, it would be another proposition. So far as the Member of Government is concerned, we have heard what he has got to say. I must go further. In other words, what I am submitting is that if these rules really block or can successfully block the argument of a matter of this kind, you should, as I submit with great respect to you, rule that *this is a matter outside the rules*.

Mr. President (The Honourable Sir Abdur Rahim): The Chair would like to know whether the Honourable Member's position is that 24A does not apply.

Mr. Bhulabhai J. Desai: The Governor General may disallow any motion or part of a motion on the ground that it should not be moved, cannot be moved, without detriment to the public interest—this has already been done—or on the ground that it relates to a matter which is not primarily the concern of the Governor General in Council. Evidently they seem to think that it is the concern of this House to protect its dignity and not for the Governor General in Council to protect the dignity of the House. They are entitled to say that. But they are not concerned with that, it is not primarily their concern, I agree it is primarily our concern.

Mr. President (The Honourable Sir Abdur Rahim): So far as the Chair is concerned, it cannot, in interpreting the rule, proceed on any such assumption.

Mr. Bhulabhai J. Desai: As regards this particular matter, you have the fact that it has been disallowed. Therefore, the fact remains that given a second time,

Mr. President (The Honourable Sir Abdur Rahim): That was on an adjournment motion.

Mr. Bhulabhai J. Desai: It was not disallowed on the ground that it was on an adjournment motion,

Mr. President (The Honourable Sir Abdur Rahim): Supposing it had been brought up as a matter of a breach of privilege?

Mr. Bhulabhai J. Desai: What I am trying to submit to you is that he has disallowed it on a matter of substance; whether it was on a Resolution or on a motion for the adjournment of the House is immaterial. What I am submitting is, whether it forms the subject-matter of an adjournment motion or it forms the subject-matter of an ordinary motion, in either case it is disallowed on the ground that the discussion of the matter in whatever form it is brought up for discussion is contrary to the public interest or one which does not primarily concern the Governor General in Council.

Mr. President (The Honourable Sir Abdur Rahim): Supposing the form was that it was purely a question of the breach of privileges of this House, the question the Chair wants to put is, whether the Governor General could have disallowed it.

Mr. Bhulabhai J. Desai: Sir, I am not really asking you to have any assumption, because the matter is, in fact, disallowed, the reason is given, the reason being that it cannot be moved without detriment to the public interest; and also on the ground that it is not primarily the concern of the Governor General in Council; and, I submit, with respect, and within the letter of that rule, that it could still be said that, it being a matter of the privileges of this House, it is not primarily the concern of the Governor General in Council, that it is primarily the concern of the House, and, in that sense, within the rule. If it is put that way, he might be right, but what is the consequence of the possibility of his being right? The consequence of the possibility of his being right is that it being barred under all other rules, and the order of the Governor General barring it under this, there is no means of discussing the privilege of the House. If you argue that the two matters are substantially identical,

Mr. President (The Honourable Sir Abdur Rahim): Then, in that case, the House will be asked to reverse the order of the Governor General in Council, if the Honourable Member argues it in that way?

Mr. Bhulabhai J. Desai: That, again, is an assumption. If it fell within 24A, then the House undoubtedly could go counter to the order of the Governor General, but it is precisely because it stands apart and outside the rules, that I have been arguing thus, and my submission is that, once you bring it within the rules, you are merely putting the House under conditions which, I submit, so far as privileges are concerned, it would not be right so to do. By an effort to bring it within the rules, you are also invoking the restrictions under sub-rule (3). I am not suggesting that this is done perversely or otherwise, but supposing, *bona fide* under the advice of a legal mind, the Governor General says "it is not primarily my business", then what are you doing? This is what you are doing. You are reading into the rule something to say that, on the one hand, it cannot be moved without detriment to the public interest, and, on the other hand, it cannot be moved on the ground that it relates to a matter which is not primarily the concern of the Governor General in Council, and, between the two, the result is that you cannot have the discussion of such a matter. I am giving an additional reason, Sir, for the purpose of holding that a privilege matter may be brought to notice before the commencement of public business, may be brought to notice before the public business, and if you admit by I say, if you make it part of the public business, and if you admit by stretching the point the possibility of bringing it within rule, you are then doing so under conditions which could not be consistent with the very nature of the case, that is to say, you may conceivably make discussions of a matter of privilege impossible; if it is thought and may be rightly thought that it is not a matter that primarily concerns the Governor General in Council, and, with all respect, if I may be allowed to say so, it is not a matter primarily the concern of the Governor General in Council. It does not affect them in the least whether this House has any privileges or not or whether it is broken or not. Therefore, my submission is that, so far as the rules are concerned, they should be treated as providing for what may be called public business to the extent to which provision was necessary both by way of permission as well as by way of restriction; but they do not exhaust the right of the House to

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discuss its own privileges as and when occasion arises and they stand outside, and, in some respects, above these rules. That is my submission in regard to the first point.

Coming to the next point—it has also been dealt with by my Honourable and learned friend, Mr. Jinnah, as well as by my Honourable friend, Mr. Govind Ballabh Pant, to a certain extent—a few passages were read out by the Honourable the Leader of the House, and now it should be remembered that complaint having been brought before the House, what the House is now called upon to do is, whether or not this is a matter in which it will appoint a Committee in order to consider the two issues which I have indicated, namely, whether or not, as defined or claimed, the privilege exists, and whether, by the particular act, there has been a breach of privilege. On that, all that I have to make out, is, whether it is what may be described in the language of Lord Shaw as a stateable matter for investigation, and, from that point of view, I submit with all respect that it is not only a stateable matter for investigation, but it is a very important matter for investigation.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will find the expression "*prima facie*" is also used.

Mr. Bhulabhai J. Desai: I am only trying to show that "*prima facie*" case means on the face of it, it is not to be thrown away.

Mr. President (The Honourable Sir Abdur Rahim): That is really the same thing.

Mr. Bhulabhai J. Desai: Only he puts it in a manner which perhaps expresses it a little more strongly so as to bring the importance of it to one's own mind. Sometimes the word "*prima facie*" depends on the person who looks at it, looks at the face of it, and, on the other hand, when you look at it the other way, it is something where you do not like the face of it. Similarly, you do not like the face of some of these motions. However, that is a matter of some regret. Therefore, the point really resolves itself into this. On that, Sir, there is one important matter to which I want to call the attention of the House. In 1932, a similar matter affecting the privilege of the House arose indirectly in this way. I do not wish to go into these debates at any length, I only wish to give the purport of them without taking much of the time of the House. Mr. Gaya Prasad Singh gave notice of a question:

"Will Government be pleased to state if, under any Ordinance or Rules made or orders issued by any executive authority, newspapers would be penalised for publishing reports or the proceedings of the House?"

An answer was given to that question, and, on that, a motion was made for adjournment of the House on the ground that the answer was unsatisfactory. The question appears on page 545, Volume I, dated 10th February, 1932, Legislative Assembly Debates. The matter came up before the House on a motion for adjournment and the proceedings relating to that motion appear at page 657, and, from a study of the debates, you will observe, Sir, that one of the most illuminating speeches made

on that occasion was by yourself. The Mover of the motion on that occasion quoted from where my Honourable friend, the Leader of the House, stopped at page 109 of May's Parliamentary Practice, as showing that it is a matter of the privilege of the House whether or not a newspaper should be penalised for a faithful publication of the report of a speech made in the House, and I see that Mr. Ranga Iyer who brought that motion quoted from page 109 of May's Parliamentary Practice (13th Edition); in fact, it is a continuation of the three cases which my Honourable friend read. At the top of page 109, we find this:

"The privilege which protects debates extends also to the reports and other proceedings in Parliament."

I read that only with a view to show,—because you were pleased to ask,—that authority can be quoted to make out a *prima facie* case for the existence of the privilege which is claimed. But the matter does not rest there. I submit that the House on that particular occasion treated it as a matter of privilege, and it was put in this way by Sir Abdur Rahim at page 661,—and I adopt this as a part of my argument:

"If the debates are not allowed to be published, then the position will be reduced to this. This House will be turned into a mere school debating society, as was mentioned by one Honourable Member not long ago. We are here not only to speak to the Government Benches opposite,"

—of course, they do not seem to bother much about it so that that would not be of much value,—

"but to speak to a wider audience, the public. This is our privilege, this is our right and this is our duty."

Therefore, Sir, it could not be put better than this to say that any penalisation by an executive order of a report of a speech in the House involves a breach of privilege, in the language of the Honourable Member who was then speaking to the House, for the purpose of the protection of the privileges of the House. And I only wish to add that I am merely adopting this as part of my argument, because I cannot put it any better. It is not because it is a question of quoting something against an author when he happens to be a Judge. I know sometimes it is a very inconvenient position. . . .

Mr. President (The Honourable Sir Abdur Rahim): Speaking for myself, I think the fewer the quotations like this that are made, the better. It is rather embarrassing to the Chair and it is rather unfair to the other side who may not like to criticise any such speech.

Mr. Bhulabhai J. Desai: I will not do it. It is for that reason that I qualified it by saying that I adopted it as part of my argument. My submission is this, that, as I submitted on a previous occasion on a motion relating to the detention of Mr. Sarat Chandra Bose, who was then a Member of this House, the privileges of this House are not a matter to be merely dealt with as if, because they did not exist today, they would or should not exist at all, that they cannot grow or that they must be found within the four corners of section 67(7). Otherwise, if you accept the line of argument that is adopted, no privilege of this House would ever grow at all; say that there is no question that this

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House has dignity, any value or any representative character and that this House appeals and educates the larger public of this country. What is the importance of all the representative men who are here? I am referring to those who are representative. The representative character will be destroyed by a prohibition of the publication of their speeches, subject to an important safeguard as was pointed out sometime ago. This House has the right or privilege, on attention being called to it in any particular speech that it happens to have defamatory or seditious matter, to expunge it from the minutes of this House, and in this way the publication of such portions of the speech may be prohibited. If the Secretary of this House may, in a certain book published under its authority, publish the same speech, but that is not to be made available more widely either by translation or otherwise on another day, I want the House to see the very absurdity to which one is reduced. The history of the Parliament preventing the publication of its debates has taken an entirely different turn;—the Government sell this publication,—so that you really want to reduce it to a publication of this matter as a monopoly of Government. Elimination of all truly objectionable matter can be achieved by the rules in this way that all seditious or defamatory matter can be struck out. And, that being the privilege again of the House, it is the right of the House that these things should not be published. And, if once they are not published, I take it that *prima facie* a speech that is otherwise allowed to be published is a fit matter for constant, frequent and widest publication. And, if that is so, we submit that we have made out a *prima facie* case that there is a privilege of the House of which by the act alleged there may conceivably be a breach. Therefore, I submit that what we ask you to rule is that this matter so far as the time for its discussion is concerned falls outside rules 6 and 24A.

Mr. President (The Honourable Sir Abdur Rahim): Supposing a motion is moved like this complaining of breach of privilege and supposing the Governor General disallows it, has he got power to do so?

Mr. Bhulabhai J. Desai: I submit not; that is precisely the point. That is why I said that rule 24A should not be strained in this manner. Because, if it is strained, it is self-destructive so far as the discussion of the privileges of the House is concerned, because we may not be able to discuss it at all. Therefore, I submit, that it should not be allowed to be done. So far as the point of time is concerned, we submit that it should be proceeded with in the manner in which it would have been proceeded with in the House of Commons, namely, that the matter should be continued before the House and a committee of the House should be appointed after any discussion that may take place. As regards a *prima facie* case, we submit we have said enough to show that it is a matter which clearly requires investigation.

The Honourable Sir Nripendra Sircar: Sir, this is an executive action based on a Statute passed by this House; that is, an executive action which is taken under section 7 of the Press Emergency Act, XXIII of 1931. It is not an administrative action; it is not an executive action in the sense that it is not controlled by any Statute or by the High Court. The very Act provides that the party aggrieved may go up to the High Court. Sir, the jurisdiction of High Court is limited to finding out whether the writing directly or indirectly

promotes any of the objects mentioned in the section. Therefore, to say that there is no remedy and this is an executive action loses sight of the fact that this executive action is based on the Statutory power given to the executive by Legislature which Statutory power again is open to examination by the High Court in appeal.

Sir Muhammad Yakub: Sir, may I ask a simple question of the Honourable Member? Can the Honourable Member, against whose speech this action was taken, go up to the High Court and say that his privilege was violated, and, therefore, his case should be reviewed? Of course the editor or the manager of the press can go; we are not concerned with that. We are concerned with the Member whose privilege has been violated. Can a Member of this House go to the High Court and ask that his case should be reviewed?

The Honourable Sir Nripendra Sircar: I shall answer that question. The only person against whom the order has been issued can go, that is to say, whether he is the owner of the press or whoever he may be. But when he does go up to the High Court, the only question which will be discussed will be whether the words complained of are seditious or within that Statute or not. And, in this particular case, we need not discuss it, because, it is Pandit Krishna Kant Malaviya's press which has got it published, and there is not the slightest difficulty in his going up to the High Court if he wanted.

Pandit Krishna Kant Malaviya: Sir, may I know from the Honourable the Law Member if he is aware of the judgment of Sir Lawrence Jenkins in the famous *Comrade* case in which he held that the High Courts are powerless against the actions of the executive?

The Honourable Sir Nripendra Sircar: I do not know that that is a personal explanation. I shall take up the points shortly. I draw your attention once more to page 269. I submit, my Honourable friend, Mr. Jinnah, probably due to the fact that he did not attend to it before Lunch, and I do not know what happened after Lunch

Mr. M. A. Jinnah: Sir, that is not fair; I do really expect the Honourable the Law Member to be fair. I was not able to answer your question, because I naturally looked at the matter here as far as the law is concerned. It is not that I did not follow other Honourable Members. The whole morning I have been listening to the speeches before I got up. Only that particular question I could not answer.

The Honourable Sir Nripendra Sircar: If I have been unfair to my Honourable friend, I withdraw my remarks. May I go on to page 269?

"As precedence is naturally desired by members, care has been taken, by rulings from the chair, not to extend that claim to any motion which does not strictly relate to an urgent matter of privilege, properly so called; and many motions, more or less affecting privilege, have been brought on in their turn, with other notices of motions."

The point which I am making and which is obvious is this. That unless it is a case of great urgency and unless the House is moved the next day you should proceed in the ordinary way by giving notice of a motion of your business. I evolve two points out of that as is obvious. This is

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business, it is Sardar Sant Singh's business. It is a business which involves discussion on a matter of great public importance and interest to the general public, and does not merely affect the whole of this House.

The condition of inability to give notice has not been complied with. I read from May's Parliamentary Practice:

"Many motions, more less affecting privilege, have been brought on in their turn, with other notices of motions."

This shows that giving of proper notice is the usual procedure.

I will not repeat my argument. I pointed out this morning that it is not a question of there being a few days' delay, the way in which my Honourable friend, Mr. Jinnah, presented it. It is not a question of laches, it is not a question of limitation. The question is this; if you are following an extraordinary procedure, if you are doing something so extraordinary as to interrupt the ordinary course of business, then you must comply strictly with the rules which permit your bringing such a motion under certain conditions. I am relying on May for the purpose of showing that in no case has it been allowed where it has not been brought up the very next day. That is the point which I make.

Another point which I should like to dispose of at once would be the argument of both my Honourable friends with reference to rule 24-A. If I have understood my Honourable friend, Mr. Jinnah, correctly—he will kindly correct me if I am wrong—he said that this business is not Government business. It is not non-official business. It is the business of the House.

Mr. M. A. Jinnah: Is it not business within the meaning of the rules?

The Honourable Sir Nripendra Sircar: Quite so. Let us see what the rule says. I read only the last portion of rule 6:

"No business other than Government business shall be transacted except with the consent of the Governor General in Council."

So long as it is not considered Government business, and it cannot be Government business, started as it is, on a motion by Sardar Sant Singh, the rule is mandatory "that no business other than Government business shall be transacted except with the consent of the Governor General in Council". My point is this: as this is not Government business, I need not discuss what business it is. Business surely it is. As May's Parliamentary practice points out, this business ought to have been brought on on a notice of motion except in the exceptional circumstances when the dignity of the House was suddenly attacked or privilege has been broken. Then, you can make a motion without notice the very next day, not that there is any distinction in the nature of the business. It is business in the one case just as it is in the other, but you dispense with notice if it is so urgent that it must be moved the very next day. I then come to rule 24A.

Mr. President (The Honourable Sir Abdur Rahim): Does rule 24A apply?

MOTIONS FOR ADJOURNMENT.

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The Honourable Sir Nripendra Sircar: My submission would be that it does apply:

"Save as is otherwise provided, no discussion of a matter of general public interest shall take place otherwise than on a resolution moved in accordance with the rules governing the moving of resolutions except with the consent of the President and of the Member of the Government to whose department the motion relates."

Now, I think it is my friend, Mr. Desai, who said—I do not purport to quote his exact words—"It may have two phases: it may be that it is a matter of general public interest, but it is primarily not a matter of general public interest". You may call it secondary phase. The primary phase is the question of privilege. I submit with great respect to my Honourable friend that it is a fallacy. Once it is proved, conceded or admitted that it is a matter of general public interest, which, I think, undoubtedly it is, then, I submit, it cannot be done except in compliance with rule 24A. And if I have not misunderstood my friend, I think he suggested that this discussion could take place only with the consent of the Member of the Government concerned and of the President. That is not my reading of the rule. If he moves a Resolution, he does not want the consent either of the President or of the Member of Government concerned. But if he says it is a matter of general public importance—but I would not move a Resolution—then he can move it by a motion provided he has your consent and of the Member of Government concerned.

Sir Muhammad Yakub: Which of the Honourable Members of the Executive Council is in charge of the Department of the Privileges of the House? ("Hear, hear" and Applause.)

The Honourable Sir Nripendra Sircar: My Honourable friend, Sir Muhammad Yakub, has been rather excited over this rule which I can well understand, because it is a question of privilege. Supposing a Resolution is moved in this form:

"Inasmuch as it is a breach of privilege of this House to take any action against any person for publishing a fair and true account of a speech delivered in this House, it recommends to the Governor General in Council that he should issue instructions forthwith to desist such action in connection with such republication."

I am not trying to draft the Resolution. Supposing it is moved in that way

Pandit Govind Ballabh Pant: May I just point out that, under the Standing Orders and rules, the Resolution should not contain an argument?

The Honourable Sir Nripendra Sircar: Omit the reasoning. My Honourable friend has only to look at the Resolutions to be moved on the 11th or 20th.

Mr. President (The Honourable Sir Abdur Rahim): All Resolutions have got to be balloted.

The Honourable Sir Nripendra Sircar: Surely, and if all Members feel so very keenly, the surest way of getting a Resolution balloted is for 54 Members to get together and send the Resolution. It comes up on the top without any difficulty whatsoever. That has been often done and that can be done again.

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Mr. President (The Honourable Sir Abdur Rahim): Under rule 24A, how is this to be brought up, by a motion or a Resolution?

The Honourable Sir Nripendra Sircar: It can be brought up in two ways; on a Resolution, or on a motion without a Resolution with the consent of the President or of the Member of the Government to whose Department the motion relates. The act complained of is the demand of security by the United Provinces Government.

Mr. President (The Honourable Sir Abdur Rahim): What answer does the Honourable Member give to Sir Muhammad Yakub's question?

The Honourable Sir Nripendra Sircar: My friend is wrong in thinking that we have to answer who is in charge of "privilege". That is not the question. The complaint which is made refers to the order of the United Provinces Government in exercise of its Statutory powers demanding security. The matter of demanding security by the executive is a matter of the Home Department. When a question is moved that a locomotive should be built here irrespective of the question of costs, and so on, whose department is it?

Mr. President (The Honourable Sir Abdur Rahim): The Chair simply wanted to know about it.

The Honourable Sir Nripendra Sircar: My answer is again the Home Department. He has got to get the consent of the Home Member, and, of course, of the President. A passage was read from page 108 of May's Parliamentary Practice by, I think, my Honourable friend, Mr. Jinnah:

"The Lord Chief Justice of England, in a more recent case, further laid it down, that 'if a member publishes his own speech, reflecting upon the character of another person, and omits to publish the rest of the debate, the publication would not be fair, and so would not be privileged', but that a fair and faithful report of the whole debate would not be actionable."

Now, Sir, I have no desire to inflict the whole case before you. In the original charge to the jury, the Chief Justice said that no civil action would lie; then, there was an appeal, and, in the appellate Court, it was said: This is a case for libel. You have got to prove that the intention was to defame him and that intention in negatived by the fact that in publishing this book his real desire was not to defame him, but that the public should have an account of what passed in the House of Commons. Therefore, he said, there will be no action, either civil or criminal. It was a minor action for libel, not libel nor indictment, that was a fair and faithful account of what was said in the House. If you applied the same reasoning, it would be no answer to a prosecution for sedition, because, the argument, which found favour with the judges,—and if I may say so respectfully, quite a sound argument—was this: there are two considerations, one that the character of a man has got to be saved, and, two, that it is in the interests of the public that the speech should be published. Of the two conflicting interests, we find that public interest is the more important one. That is under application when the offence charged is sedition, or, as in the English case, a case of obscene libel: there the public interest requires that the seditious speech should be punished. Wason's case is not against me in any way. There was conflict of private and public interests in Wason's case. There the conflicting interest is not private, but the public interest of punishment for sedition.

I have one more word to say about an argument . . .

Mr. Sri Prakasa: Sedition is not allowed in this House: If anyone had uttered sedition, you, Mr. President, would have stopped it!

Sir Cowasji Jehangir (Bombay City: Non-Muhammadian Urban): Who says it is not allowed in this House?

Mr. Sri Prakasa: The Manual of Business (clause 57) says so.

The Honourable Sir Nripendra Sircar: It is not my business now to argue whether the speech complained of is seditious or not seditious: we are not discussing that question now—we are not in Court: I am only trying to point out that there is no privilege for re-publishing a speech separately. If you issue it in the form of a pamphlet and publish it, or if you republish it in a newspaper, then, I submit, the rulings at page 108 are perfectly clear—I will only read four lines:

"If a member publishes his speech, his printed statement becomes a separate publication, unconnected with any proceedings in Parliament. This view of the law has been established by two remarkable cases."

Here the House has no privilege in Parliamentary sense. Members have got certain rights under Statutes. One more word about Hansard. The position is this. You will find all that in the book: I do not desire to trouble the House by reading it all. The trouble arose, as you know, in four cases successively fought, and known as *Stockdale versus Hansard*. In each case, the House went on holding that it had certain privileges and on the strength of those privileges, it went on punishing people who, on the strength of judgments of Courts, troubled Hansard. In the second case brought to Court, it was said "We do not care what the House of Commons has said: they have got no such privilege". In the third case, *Stockdale* was actually in jail, because the House of Commons had sent him to jail, but, while in jail, he issued another writ. In these cases, the House decided that it had the privilege and the Court went on saying: "You do not have the privilege"; and, then, they passed the Parliamentary Act in 1850 which gives immunity from civil and criminal action, in respect of papers printed by order of the House. Protection given to publications in Hansard was secured by legislation and not on Parliamentary privilege. Even the Act does not extend to private republications. If you turn to page 109 of May, it is a protection not by reason of any privilege of the House: it was a Statutory protection which was given, and the protection is only to publications by the authority or order of either House. That is the origin of protection for publications. The last thing I want to remind the House about is this: you look at another privilege, the privilege of freedom from arrest. In England, as my friend said, they apply common law: they say freedom from arrest is based on custom, and the custom must be immemorial. A baby of ten years has no business to rely on custom, and, therefore, while it was held that Parliament have got that privilege, that cannot apply to this House created in recent times by Statute. What is the position here? This House having no privilege, and no Member having any protection without a Statute, we had to enact a Statute in 1925; and, it is only by reason of that Statute, that Members here get that freedom from arrest which is ensured to them in Parliament by the privileges enjoyed by Members of Parliament. I do not desire to repeat my argument that protection or right must be based on Statute, and, I submit, that this motion should be ruled out of order.

Mr. President (The Honourable Sir Abdur Rahim): The Chair is very much obliged to the Honourable Members who have given it so much assistance in this matter. It is such an important question of privilege and procedure that the Chair thought it must hear the arguments fully as regards the points raised. The Chair will give its ruling afterwards.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE ON ROADS, THE STANDING COMMITTEE FOR THE DEPARTMENT OF INDUSTRIES AND LABOUR AND THE STANDING COMMITTEE ON EMIGRATION.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that up to 12 Noon on Friday, the 7th February, 1936, the time fixed for receiving nominations for the Standing Committee on Roads, the Standing Committee for the Department of Industries and Labour and the Standing Committee on Emigration only one, three and eight nominations, respectively, have been received. As the number of candidates is equal to the number of vacancies in each case, I declare the following to be duly elected:

Standing Committee on Roads.

Babu Kailash Behari Lal.

Standing Committee for the Department of Industries and Labour.

- (1) Mr. M. Ananthasayanam Ayyangar,
- (2) Mr. Lalchand Navalrai, and
- (3) Mr. L. C. Buss.

Standing Committee on Emigration:

- (1) Mr. Mohan Lal Saksena,
- (2) Mr. N. M. Joshi,
- (3) Mr. C. N. Muthuranga Mudaliar,
- (4) Mr. Ram Narayan Singh,
- (5) Mr. Satya Narayan Sinha,
- (6) Pandit Krishna Kant Malaviya,
- (7) Rao Bahadur M. C. Rajah, and
- (8) Mr. C. H. Witherington.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

Sir Girda Shankar Bajpai (Secretary, Education, Health and Lands Department): Sir, I beg to move the following:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects, other than 'Indians Overseas—Emigration' and 'Haj Pilgrimage', dealt with in the Department of Education, Health and Lands."

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects, other than 'Indians Overseas—Emigration' and 'Haj Pilgrimage', dealt with in the Department of Education, Health and Lands."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that for the purpose of election of Members to the Standing Committee for the Department of Education, Health and Lands, the Notice Office will be open to receive nominations up to 12 Noon on Wednesday, the 12th February, 1936, and the election, if necessary, will as usual be held in the Secretary's Room in the Council House between the hours of 10-30 A.M. and 1 P.M. on Friday, the 14th February. The election will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE CINEMATOGGRAPH (AMENDMENT) BILL.

APPOINTMENT OF MR. S. K. DAS-GUPTA TO THE SELECT COMMITTEE.

The Honourable Sir Henry Craik (Home Member): Sir, I move:

"That Mr. S. K. Das-Gupta be appointed to the Select Committee on the Bill further to amend the Cinematograph Act, 1918, for a certain purpose, as passed by the Council of State, in place of Mr. Pradyumna Prasad Singh who has ceased to be a member of the Assembly."

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

"That Mr. S. K. Das-Gupta be appointed to the Select Committee on the Bill further to amend the Cinematograph Act, 1918, for a certain purpose, as passed by the Council of State, in place of Mr. Pradyumna Prasad Singh who has ceased to be a member of the Assembly."

The motion was adopted.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 51.)

APPOINTMENT OF KHAN BAHADUR SHAIKH KHURSHAI MUHAMMAD TO THE SELECT COMMITTEE.

The Honourable Sir Henry Craik (Home Member): Sir, I move:

"That Khan Bahadur Shaikh Khurshaid Muhammad be appointed to the Select Committee on the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes, (Amendment of Section 51), in place of Mr. J. M. Chatarji who has ceased to be a member of the Assembly."

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

"That Khan Bahadur Shaikh Khurshaid Muhammad be appointed to the Select Committee on the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes, (*Amendment of Section 51*), in place of Mr. J. M. Chatarji who has ceased to be a member of the Assembly."

The motion was adopted.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 60.)

APPOINTMENT OF KHAN BAHADUR SHAIKH KHURSHAIID MUHAMMAD TO THE SELECT COMMITTEE.

The Honourable Sir Henry Craik (Home Member): Sir, I move:

"That Khan Bahadur Shaikh Khurshaid Muhammad be appointed to the Select Committee on the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes, (*Amendment of Section 60*), in place of Mr. J. M. Chatarji who has ceased to be a member of the Assembly."

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

"That Khan Bahadur Shaikh Khurshaid Muhammad be appointed to the Select Committee on the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes, (*Amendment of Section 60*), in place of Mr. J. M. Chatarji who has ceased to be a member of the Assembly."

The motion was adopted.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 51.)

APPOINTMENT OF THE HONOURABLE SIR FRANK NOYCE TO THE SELECT COMMITTEE.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I beg to move:

"That in place of Mr. A. G. Clow, the Honourable Sir Frank Noyce be appointed to the Select Committee on the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes, (*Amendment of Section 51*)."

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

"That in place of Mr. A. G. Clow, the Honourable Sir Frank Noyce be appointed to the Select Committee on the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes, (*Amendment of Section 51*)."

The motion was adopted.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 60.)

APPOINTMENT OF THE HONOURABLE SIR FRANK NOYCE TO THE SELECT COMMITTEE.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I beg to move:

"That in place of Mr. A. G. Clow, the Honourable Sir Frank Noyce be appointed to the Select Committee on the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes, (*Amendment of Section 60*)."

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

"That in place of Mr. A. G. Clow, the Honourable Sir Frank Noyce be appointed to the Select Committee on the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes, (*Amendment of Section 60*)."

The motion was adopted.

THE PAYMENT OF WAGES BILL.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the Bill to regulate the payment of wages to certain classes of persons employed in industry, as reported by the Select Committee.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I beg to move:

"That for the proviso set out in amendment No. 34*, the following be substituted, namely:

"Provided that, subject to any rules made in this behalf by the Local Government, if ten or more employed persons acting in concert absent themselves without due notice (that is to say without giving the notice which they are required to give either expressly by their contracts of employment or impliedly by the terms of their service), and without reasonable cause, such deduction from any such person may include such amount not exceeding his wages for 13 days as may by any such contract or terms be due to the employer in lieu of due notice."

Sir, I do not really desire to take part in any discussion on the merits of this question. I am moving this amendment because, I think, it really brings out the idea which the Mover had in his mind. The word 'impliedly' has been used. Very often there is no express agreement as to the length of notice, but that length of notice is inferred from the terms of employment. For instance, a weekly engagement generally implies a weekly notice. Sir, I beg to move:

*"That to sub-clause (2) of clause 9 of the Bill, the following proviso be added:

"Provided that, subject to any rules made in this behalf by the Local Government, if ten or more employed persons acting in concert absent themselves without due notice or reasonable cause, such deduction from any such person may include such amount, not exceeding his wages for 13 days as may under his contract of employment be due to the employer in lieu of notice."

Mr. V. V. Giri (Ganjam cum Vizagapatam: Non-Muhammadan Rural): Sir, I rise to oppose this amendment. I seek your indulgence, Sir, for a few minutes to explain to this House the psychological effect of this amendment now introduced in this Bill on those for whom this Bill is intended to benefit. I claim, Sir, to know the workers of this country, being a worker myself in the cause of the trade union movement in this country during the last 15 years. I claim, Sir, that I had to take part in many a strike and lock-out throughout the length and breadth of this country, and I had to intervene in many a lightning strike for the settlement of disputes. With this humble experience of mine, I am bound to say that—I shall be failing in my duty if I do not state it—if the Government of India desire to introduce this amendment, the workers will have a right to feel a grievance against the Government, and it will further take away the grace, the wisdom, the statesmanship that prompted originally the Honourable Sir Frank Noyce who moved this Bill before this House.

Sir, this amendment has created an entirely new situation. Firstly, Sir, the subject matter of this amendment was not at the back of the mind of the Government of India when this Bill was introduced in the year 1933 or re-introduced in the year 1935. This matter was placed before a Select Committee by my Honourable friend, Sir Hormasji Mody, at a later stage of the proceedings of the Select Committee, and it was discussed. The Select Committee came to the conclusion that the non-acceptance of this amendment did not interfere very much with the rights and privileges of the employer, and the Select Committee did not accept this amendment. Thirdly, at the Simla Session, this amendment did not find a place on the Order Paper, nor did my Honourable friend, Sir Hormasji Mody, bring forward this amendment at the Simla Session. Further, Sir, it must be remembered that, on a vital amendment of this character, the Government of India must plainly admit that they had not full and frank discussion with the Local Governments of this country, nor can they honestly say that the subject matter of the amendment was brought to the notice of the organised unions representing workers, whether they be central organisations or local organisations of workers. Therefore, the workers will have a real right of complaint that this amendment is being pushed through against their interests. Again, when we wanted to bring forward the fortnightly payment of wages under this Bill, it was remarked that, simply because we were in a position technically to bring it forward, we were bringing it, and, therefore, I made the suggestion in my speech on the matter of fortnightly payment of wages that it might be brought forward by the Government of India at an early stage by a different Bill. So, also, our complaint is that this amendment should not have been brought forward by a back door method, and, if I may say so, though technically it may be correct to bring up this amendment, it ought to have been brought forward as an amendment to the Trade Disputes Act, of course, even then, after giving the fullest opportunity to the workers' organisations and the public to have their say in the matter. The workers will be justified in saying that, when they wanted bread, they secured stone, and for what? Merely for a mess of pottage, namely, this Wage Payment Bill, and by selling their rights and privileges. I would like to say in this connection, and it would be quite relevant to say something about strikes and lightning strikes. I can assure you that strikes or lightning strikes would not occur, would not be declared by the workers for the fun of it. It is the workers that have to lose more than the employers by such strikes or lightning strikes. You can take it from

me that in ninety-nine cases out of hundred these lightning strikes or strikes occur on account of grave provocation on the part of the supervising staff. It is due to the fact that corruption and bribery are practised by the supervising staff, and because the employers would not take note of it or would not care to look into these matters, that some of these strikes and lightning strikes do occur. Therefore, the employers must thank themselves if such lightning strikes or strikes occur. I may also tell you that lightning strikes do not occur in organised industries where there are organised unions, because organised unions believe in representation before action.

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): Is that a fact?

Mr. V. V. Giri: It is from my own experience that I am saying.

Sir H. P. Mody: What about the 1929 strike?

Mr. V. V. Giri: It may be an exception, but generally—I am thinking of the general conditions of things—lightning strikes occur because of the provocation of the supervisors, and it lies with my Honourable friend, Sir Hormasji Mody, to see that unions are organised in the best manner so that, even if there were doubts that they might happen, that minimum doubt also might be removed by helping real trade union movement in the country. The remedy of repression is much worse than the disease of lightning strikes. And lightning strikes, I am bound to say, that right to strike is a fundamental right so far as workers are concerned. It is as fundamental as the right to live and the right to work, and workers, under no circumstances, will give away that right. At the same time, I want to assure the House that organised trade union movement in the country does not believe in strikes for strikes' sake. It believes that strikes are the last resort when all other attempts at a settlement have failed. So that, the real remedy, so far as the employer is concerned, for avoiding strikes or lightning strikes, is to encourage greater contact between the employers' organisations and the workers' organisations, namely, trade unions. That fact is generally forgotten by the employers. A Royal Commission was appointed, the country had to spend lakhs of rupees and we have the honour of having two distinguished Members of this House who sat on that Commission, and it is relevant that I should state from time to time what that Commission has said with regard to how these strikes and lightning strikes and unrest in industries can be avoided. But, unfortunately, in this country, Royal Commissions are associated with royal omissions, and the recommendations of the Royal Commission have not been carried out at all in their spirit. I may refer to certain quotations from the report of the Royal Commission on this matter, as they are not only relevant, but the House which has spent so much money ought to know exactly what those recommendations are . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will stop here and may continue his speech the next day.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House): Would you allow me to make a statement of business? In my statement on Friday last, I indicated that whatever happened today, the Ottawa Resolution would form the first item of business on Wednesday. I was not then in a position to anticipate that all stages of the Payment of Wages Bill would not be completed today, and in view of what has occurred today, we propose to put down the remaining stages of this Bill for Wednesday in advance of the Ottawa Resolution.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 11th February, 1936.

LEGISLATIVE ASSEMBLY

Tuesday, 11th February, 1936.

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

QUESTIONS AND ANSWERS.

VIZAGAPATAM HARBOUR SCHEME.

237. *Seth Govind Das: Will Government be pleased to state:

- whether the Vizagapatam harbour is a successful scheme;
- what the total outlay on the project has been;
- what the estimated income of the harbour is;
- whether the harbour has not as yet met with any commercial success since big steamers do not come into the harbour;
- whether the harbour has been constructed mainly to transport Talehar Coal, the exploiters being mainly English concerns;
- what Government have done to attract big business through the harbour; and
- the annual expenditure towards the upkeep of the harbour?

The Honourable Sir Muhammad Zafrullah Khan: (a) It is too early to say at present whether the Harbour is a successful scheme.

(b) The total outlay upto the end of September, 1935, was Rs. 376.98 lakhs.

(c) The estimated income for the current year is Rs. 8,77,920.

(d) Ships up to a draft of 26 feet are admitted into the Harbour. It is proposed to increase the draft limit to 27 feet. The imports and exports through the port have risen from 59,561 tons in 1932-33 to 2,88,329 tons in 1934-35.

(e) No.

(f) All reasonable railway and shipping facilities have been provided at the port to meet traffic requirements. The Raipur-Parvatipur Railway, which is about 242 miles in length, has been constructed to open up a large tract of country and also to serve the manganese centres in the Central Provinces.

(g) The expenditure towards the upkeep of the Harbour during the year 1934-35 was Rs. 18,58,77.

Seth Govind Das: What are the chief commodities which are exported from this harbour?

The Honourable Sir Muhammad Zafrullah Khan: Manganese ore is the principal commodity. It was hoped that a good deal of groundnut traffic would also be acquired for this harbour, but it has not materialised to the extent that was anticipated.

Seth Govind Das: What happens to the groundnut traffic?

The Honourable Sir Muhammad Zafrullah Khan: There is some traffic, but it appears that a good deal of it is handled by country boats. It has not yet been diverted to the harbour to the extent that was expected.

Seth Govind Das: Is the groundnut from southern Central Provinces exported from that harbour?

The Honourable Sir Muhammad Zafrullah Khan: I could not answer that without notice.

Mr. T. S. Avinashilingam Chettiar: In how many years is the port expected to become self-supporting?

The Honourable Sir Muhammad Zafrullah Khan: It is possible that by 1938-39, it might become self-supporting.

Mr. T. S. Avinashilingam Chettiar: Are Government giving any subsidies to meet the deficit on account of this harbour?

The Honourable Sir Muhammad Zafrullah Khan: Government are bearing all the expenditure.

EXPULSION OF INDIANS FROM IRAQ.

238. ***Mr. Akhil Chandra Datta:** (a) Are Government aware that externment orders have been passed by the Government of Iraq upon some Indian merchants and traders doing business in Iraq?

(b) Have Government taken any action for their protection? If not, have Government considered the advisability of taking such action?

Sir Aubrey Metcalfe: (a) No Indians in Iraq are under final notice to leave Iraq, but the question of renewal of permits to stay arises from time to time under Article 10 of the Iraq Residence Law of 1923 to which all foreigners are equally subjected irrespective of nationality. A copy of Article 10 of the Iraq Residence Law of 1923 is placed on the table.

(b) Does not arise.

Article 10 of the Iraq Residence Law of 1923

10. Any person allowed to enter shall within fifteen days of his arrival register at the police headquarters of the district in which he resides, the particulars set out in the Schedule hereto. This provision shall not apply to persons certified by the Consular visa to be travellers or persons in transit to a other country whose stay will not exceed three months from the date of entry.

In case any person so certified overstays the period, he shall register his name immediately at the place in which he is resident and shall apply to the Chief Residence Officer for a permit to stay for a further period in Iraq.

Schedule of Particulars to be registered.

1. Surname or family name (in block letters).
2. Other names.
3. Date of birth.
4. Nationality.
5. Nationality of parents.
6. Languages which immigrant can (i) speak, (ii) read, (iii) write.
7. Place of birth.
8. Usual place of residence.
9. Occupation (a) past, (b) intended.
10. Particulars of dependents, if any, specifying name, age and place of birth.
11. Proposed duration of stay in Iraq.
12. Proposed place of residence.
13. Place of business.
14. Date of entry.
15. Authority for entry.
16. Whether previously resident in Iraq,
 - (a) Place of such residence; (b) Dates of such residence.
17. Whether owner of property in Iraq:
 - (a) Nature of title to such property; (b) Detailed description and situation of such property.
18. Two photographs of immigrant.

(This will not be required in the case of Moslem women or other women with similar religious or social prejudices).

EXPULSION OF INDIANS FROM IRAQ.

239. ***Sardar Mangal Singh:** (a) Has the attention of Government been drawn to the communication issued by Dr. Rabindra Nath Tagore relating to the expulsion of Indians from Iraq? What action have Government taken in this matter?

Sir Aubrey Metcalfe: Yes. The position is briefly as follows. No Indians are under final notice to leave Iraq under 'new law' but the question of renewal of permits to stay arises from time to time under Article 10 of the Iraq Residence Law of 1923 which applies to all foreigners in Iraq alike. The new legislation referred to has not been passed.

Mr. T. S. Avinashilingam Chettiar: What is the treatment of other nationals than Indians, who are under treaty rights with that country?

Sir Aubrey Metcalfe: There is no discrimination of any kind. All foreigners are treated alike.

Sardar Mangal Singh: What about the British?

Sir Aubrey Metcalfe: Exactly the same thing applies to the British as to any other foreigner in Iraq. I have explained this more than once already.

EXPULSION OF INDIANS FROM IRAQ.

240. ***Seth Haji Abdoola Haroon:** (a) Will Government be pleased to state whether they are aware that Iraq Government has served notices on certain Indian shop-owners and tradesmen in Basrah to quit the country within three months?

(b) If so, will Government be pleased to state whether other foreign subjects in Iraq have also been served with similar notices, or only British Indian subjects are treated like this?

(c) Are Government aware that majority of these British Indians went out to that country at the instance of British Government during the Great War for war purposes?

(d) Will Government be pleased to state the approximate number of Indians, who are settled in Iraq at present, if possible with their professions?

(e) Is it a fact that a new law known as "The Labour Protection Law" which is about to come into force, is going to be brought into force there shortly? If so, are Government aware that it is bound to affect adversely the position of Indians?

(f) Are Government aware that Iraqis in thousands are residing in India and many of them are holding high posts, and that no discrimination is made between these Iraqis and Indians, in matters of trade, civil rights and other privileges?

(g) Will Government be pleased to state the approximate number of Iraqis, residing at present in India, if possible along with their professions?

(h) Will Government be pleased to state whether any treaty is made between the British Government and the Authorities in Iraq, guaranteeing that either of the Governments will not adopt this kind of discriminative attitude at any time?

(i) Will Government be pleased to state what steps they have taken or propose to take against the above order of the Iraq Government?

(j) Do Government realise their responsibility to save the British Indian subjects in Iraq from this bad predicament?

Sir Aubrey Metcalfe: (a) No Indians at Basrah are now under final notice to leave Iraq, but question of renewal of permits to stay arises from time to time under Article 10 of the Iraq Residence Law of 1923.

(b) All foreigners in Iraq are equally subject to the Residence Law, and its provisions are enforced irrespective of nationality.

(c) It is believed that about 1/3rd of the British Indians in Iraq went to that country before the Great War, while 2/3rds became established during and after the War.

(d) Exact information is not available as many British Indians have neglected to register themselves with the Consular authorities. It is, however, estimated that the total number is about 4,500. Information as to the professions or trades which they follow is not available.

(e) A Bill of the nature suggested by the Honourable Member is before the Iraq Legislature at present. If passed without amendment in the form originally presented, it would affect the position of all foreigners, including Indians adversely.

(f) and (g). There are a certain number of Iraqis in India, but the Government of India have no exact information regarding their number. It is true that no discrimination is exercised against them.

(h) So far as Government are aware there is no such Treaty, but further enquiries are being made and the result will be communicated to the House in due course.

(i) The adverse effect on Indians which might result from the enactment of the new legislation in its original form has been made the matter of diplomatic representation to the Iraqi Government.

(j) Yes.

ASSESSMENT OF INCOME-TAX ON SUPPOSED INCOMES.

241. ***Bhai Parma Nand:** (a) Is it not a fact that in some cases the assessment for income-tax is made on a supposed income for which there is no basis?

(b) Is it not a fact that in some cases the Income-tax Officers have not cared to comply with the orders of the High Courts?

(c) Do Government propose to move the Income-tax Department to refund the tax paid under protest by the assessee, in such cases, in view of the finding of law courts in prosecutions launched by the Income-tax Department itself?

(d) Are Government aware of the fact that in defiance of the Law Courts the Income-tax Department continues to assess the assessee on their supposed incomes which are not proved to have accrued or been received?

(e) Is it not a fact that in one case the Department was charged with extortion and the assessee applied to the Government for sanction to prosecute the Income-tax Officers?

(f) Was the sanction for prosecution given? If not, why not?

(g) In such cases what remedy, civil or criminal, is open to the assessee to prove the charge brought forward by them, and to seek redress of their grievances?

(h) Are Government aware that in some cases when the notice is served upon the alleged assessee to send the return, the period of 30 days allowed under the Law is not kept in view and time is not allowed to them as required by law?

(i) Is it not a fact that even in cases involving difficult and intricate questions of law and facts, the Income-tax Commissioner does not always, in spite of the request of the assessee, exercise the discretion given to him under section 66 of the Indian Income-tax Act or refers matters *suo moto* to the High Court?

(j) What safeguards do Government provide against arbitrary rejection of such complaints?

(k) What check does the present Indian Income-tax Act provide on the powers to the Departments' Officers?

Mr. A. H. Lloyd: (a) Not so far as I am aware; but there is always, of course, room for difference of opinion as to what is a sufficient basis.

(b) Not so far as I am aware.

(c) and (d). I understand the Honourable Member's question to refer to cases where a prosecution by the Income-tax Department in the Criminal Courts has failed. The Government of India are not prepared to issue general instructions that the failure of a prosecution should be binding upon the Income-tax authorities as to the liability of the assessee to the tax on the amount of income which was held by the Department to have been concealed. I am aware that there are such cases in which no refund has been given.

- (e) and (f). I am not aware of any such case.
- (g) Does not seem to arise.
- (h) I know of no such case.
- (i) and (j). References on questions of fact cannot be made to the High Court. As regards questions of law, I believe that the Income-tax Commissioners exercise their discretion properly; but a reference to sub-section (3) of the section quoted will show that if there is a difference of opinion on this point the assessee can apply direct to the High Court.
- (k) Checks provided by the Indian Income-tax Act consist of provisions relating to appeal, revision and reference to the High Court.

EMPLOYMENT OF TRAINED APPRENTICE MECHANICS OF THE EAST INDIAN RAILWAY WORKSHOPS AT JAMALPUR.

242. *Mr. Shri Krishna Sinha: Will Government be pleased to state:

- the system of training apprentice mechanics in the East Indian Railway workshops at Jamalpur;
- what has been the practice to employ them who are so trained;
- the scales they were appointed on, before July 1931 and after;
- the number of apprentices who were affected as a result of the revision of scales of pay introduced by the Railway Board on the 16th July, 1931;
- how many apprentices were at that time on the waiting list and how many were kept on the waiting list subsequent to 16th July, 1931; and
- whether the engagement of trained apprentices after July 1931, was set on a different footing from that of those who were trained in the years 1930 and 1931?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). I would refer the Honourable Member to the 'Rules for the recruitment and training of apprentice mechanics and trade apprentices in Mechanical Workshops of State-managed Railways', a copy of which is in the Library of the House. It will be seen from the rules that apprentice mechanics are required to undergo an apprenticeship for five years, during which period they receive theoretical and practical training in the Jamalpur Technical School and in the workshops, respectively. No guarantee or promise of appointment on completion of apprenticeship is given or implied by the railway but on satisfactory completion of training apprentices are appointed as far as possible.

(c) Rs. 110/150—20—250 for those who were appointed up to and including the 15th July, 1931, and have continuous service and Rs. 100/120—10—180 for those who were appointed or re-appointed after the 15th July, 1931.

(d) 141.

(e) The number on the waiting list on the 16th July, 1931, was 89. It is now 18.

(f) Those apprentices, who were engaged after the 15th July, 1931, are entitled to the revised scales of pay if retained on completion of apprenticeship. Those who were engaged up to and including the 15th July, 1931, are entitled to the old scales of pay, if retained on completion of apprenticeship without a break in service. If, however, there be a break in service and they are re-engaged after the 15th July, 1931, they get the revised scales of pay.

Mr. Lalchand Navalrai: May I know from the Honourable Member how these apprentices are taken—by examination or by selection?

The Honourable Sir Muhammad Zafrullah Khan: I believe it is by selection, but I am not quite sure.

EMPLOYMENT OF TRAINED APPRENTICE MECHANICS OF THE EAST INDIAN RAILWAY WORKSHOPS AT JAMALPUR.

243. *Mr. Shri Krishna Sinha: Will Government be pleased to state:

- whether there were vacancies, permanent or temporary, at and after the time of retrenchment in the East Indian Railway;
- whether they count the training period of the East Indian Railway, mechanic apprentices as services rendered;
- whether it was any fault of the apprentices for not getting any employment immediately after their training when there were vacancies existent;
- whether the apprentices who were on the waiting list after their training are not regarded as retrenched hands, after the order of 16th July, 1931; and
- whether those apprentices who were on the waiting list have forfeited their continuity of service and their training period of five years has not been reckoned?

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

(b) I presume the Honourable Member is referring to the applicability of the old scales of pay. If so, those will apply to such apprentices who were recruited before the 15th July, 1931, and were appointed to service without a break on completion of their training.

(c) No guarantee or promise of employment is given or implied by the Railway. Such apprentices as cannot be offered employment are borne on a waiting list for two years with a view to employment when opportunities offer.

(d) No.

(e) Yes, if there has been a break in service.

EMPLOYMENT OF TRAINED APPRENTICE MECHANICS OF THE EAST INDIAN RAILWAY WORKSHOPS AT JAMALPUR.

244. *Mr. Shri Krishna Sinha: Will Government be pleased to state:

- whether it is a fact that the East Indian Railway mechanic apprentices trained after the year 1931 get employment immediately after the course of training and are today in

are reviewed periodically, in accordance with the requirement of section 3 of the Regulation, but as the terrorist movement still continues it has not been found possible to make any relaxation or change in the form of restraint imposed on them.

Mr. Amarendra Nath Chattopadhyaya: Are they ever going to be tried before any Court?

(No answer.)

POLITICAL CRIMINALS KILLED IN FIRING WITH MILITARY FORCE.

248. ***Mr. Amarendra Nath Chattopadhyaya:** Will Government be pleased to state province by province the number of persons alleged to be political criminals killed in any fight between them and military force during the last 30 years and where and when?

The Honourable Sir Henry Craik: With your permission, Sir, I will answer questions Nos. 248 and 249 together. The information is not available and cannot be collected without undue labour and expense.

FIRING RESORTED TO IN RIOTS.

249. ***Mr. Amarendra Nath Chattopadhyaya:** Will Government be pleased to state the number of riots province by province in which firing was resorted to by military during the last ten years and the number of persons killed?

PERSONS DETAINED UNDER THE PROVINCIAL REGULATIONS AS STATE PRISONERS.

250. ***Mr. Amarendra Nath Chattopadhyaya:** Will Government be pleased to state province by province the number of persons detained under the Provincial Regulations as State Prisoners since 1905 and the period of their detention?

The Honourable Sir Henry Craik: Such information as is available is being tabulated and a statement will be laid on the table in due course.

SUCCESSFUL MECHANICAL EX-APPRENTICES OF THE LILLOOAH WORKSHOPS.

251. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Are Government aware that the information laid on the table on the 2nd September, 1935 in connection with starred question No. 1324 asked on the 2nd April, 1935, regarding the successful mechanical ex-apprentices of the Lillooah Workshops, East Indian Railway is not correct and that it is not a fact that all of them have been posted to semi-technical posts, but only one of them has been promoted as chargemen (in the grade of Rs. 350 maximum) in the Production Section? If so, are Government prepared to replace him at once by an ex-apprentice of Jamalpur Technical School, who is waiting for appointment? If not, why not?

(b) If the answer to part (a) be in the negative, will Government please state whether they are prepared to make an early enquiry into the matter and take necessary steps? If not, why not?

† For answer to this question, see answer to question No. 248.

(c) Will Government please lay on the table a statement showing the names of the three clerical staff referred to together with the following particulars:

- (i) General education (University Examination passed),
- (ii) Technical Education (Division passed),
- (iii) Service,
- (iv) Present pay and grade,
- (v) Designation,
- (vi) Date of promotion, and
- (vii) Workshop employed?

If not, why not?

(d) Will Government please state whether before promoting the clerical staff referred to, they made any endeavour to appoint any ex-apprentice-mechanics, who were available? If so, in what way? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Government are informed that the information laid on the table of the House in connection with starred question No. 1324 in respect of clerical staff in connection with workshop supervising grade is correct and do not propose to replace any of the persons concerned by ex-apprentices of Jamalpur Technical School nor do they consider that any further enquiry is necessary.

(c) and (d). The names of the three men are:

- F. K. Carpenter,
- E. A. Stears, and
- P. K. Sengupta.

With regard to the remainder of the particulars asked for 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.

SUCCESSFUL MECHANICAL EX-APPRENTICES OF THE LILLOOAH WORKSHOPS.

252. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Are Government aware that the information laid on the table in connection with starred question No. 1324 on 2nd September, 1935, is not correct and that it is not a fact that the practice of promoting daily paid staff, mistries, etc., who received no technical education at all, to the posts of Assistant Foremen, chargemen, mechanics and journeymen has been discontinued since the amalgamation and that the posts are not kept reserved for ex-apprentice mechanics? Are Government aware that Europeans and Anglo-Indians who received no technical education at all are still promoted to the grade of Assistant Foremen, chargemen, etc.? If so, why?

(b) If the answer to part (a) be in the negative, will Government please state whether they are prepared to make an early enquiry into the matter

and lay a statement on the table showing the names of all who were promoted to the grade of Assistant Foremen, chargemen, mechanics, etc., since 1930 together with the following particulars:

- (i) Date of appointment,
- (ii) Date of promotion,
- (iii) Starting salary,
- (iv) General education (University Examination passed),
- (v) Technical education (Division passed),
- (vi) Practical training,
- (vii) Workshop and section employed, and
- (viii) Present pay and grade?

If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government are informed that the information furnished in reply to question No. 1924 is correct. It is a fact that the practice of promoting *mistries*, etc., to the supervising grades has been discontinued. In exceptional cases temporary vacancies are filled from amongst staff who are definitely suitable for promotion and the appointment of trained apprentices from the waiting list would be an unjustifiable expense to the railway.

(b) Government do not consider any enquiry is necessary. The information required is not readily available and its collection will involve an amount of labour and expense not commensurate with the results likely to be obtained.

CONFIRMATION OF CERTAIN MECHANICAL EX-APPRENTICES UNDER THE CHIEF MECHANICAL ENGINEER, EAST INDIAN RAILWAY.

253. ***Mr. Amarendra Nath Chattopadhyaya:** (a) With reference to the information laid on the table on the 2nd September, 1935 in connection with starred question No. 1926 asked on the 2nd April, 1935 regarding the confirmation of certain mechanical ex-apprentices under the Chief Mechanical Engineer, East Indian Railway, are Government aware that the Railway Board in their letter No. 8548-E. of 10th December 1929 in reply to Mr. S. C. Mitra's starred question No. 291(c) of 10th September, 1929, assured that the qualified apprentices selected for appointments, shall be appointed immediately after completion of their training without having to serve a probationary period?

(b) Are Government aware that no undertakings were given to those ex-apprentice mechanics who were referred to in reply to starred question No. 1926 that they would be kept on probation till the completion of remodelling scheme?

(c) If the answers to parts (a) and (b) be in the affirmative, will Government please state whether:

- (i) they are prepared to take immediate steps against such action of the Railway Administration; and if so, in what way; and
- (ii) they are prepared to take necessary steps to confirm these ex-apprentice mechanics in their posts without further delay and issue necessary orders to this effect, and if not, why not?

(d) If the answer to part (b) be in the negative, will Government please state whether no undertakings were given to these ex-apprentice mechanics at the time of their appointments?

The Honourable Sir Muhammad Zafrullah Khan: The replies to the questions referred to by the Honourable Member were not intended to imply that apprentices should be engaged permanently if permanent vacancies did not exist. If the necessities of the service require an ex-apprentice to be retained in a temporary capacity only, such a course does not amount to the imposition of a probationary period.

EX-APPRENTICES OF THE JAMALPUR TECHNICAL SCHOOL, EAST INDIAN RAILWAY.

254. ***Mr. Amarendra Nath Chattopadhyaya:** (a) With reference to the information laid on the table on the 2nd September, 1935 in connection with starred question No. 1925 asked on the 2nd April, 1935 regarding the ex-apprentices of Jamalpur Technical School, East Indian Railway, are Government aware that most of the ex-apprentice mechanics had completed their training before 1932 and that they had good records throughout both in Technical School as well as in Workshop?

(b) Are Government aware that they were discharged due to no fault on their part but for the financial stringency of the Railway although vacancies were kept in abeyance?

(c) Are Government aware that these ex-apprentice mechanics were afterwards re-appointed for their good service records but on revised scale of pay of 1934?

(d) Are Government aware that their juniors who completed their training after them (3 to 4 years juniors to them) and have been provided with posts are governed by the old scale of pay?

(e) Are Government aware that those senior ex-apprentice mechanics have become junior in pay, service, etc., to their juniors referred to in part (d) above, although they were senior to them in training?

(f) Are Government aware that the railway servants who are regular members of the Provident Fund, are counted as permanent hands?

(g) Are Government aware that the clerical staff who were retrenched but now re-appointed are also governed by the old scale of pay?

(h) Are Government aware that those ex-apprentice mechanics, who are now re-appointed, were regular members of the Provident Fund?

(i) If the answers to parts (a) to (h) be in the affirmative, will Government please state whether they are prepared to consider the cases of the ex-apprentice mechanics who have been re-appointed and to classify them as retrenched hands and give them old scales of pay (as it has been done in cases of clerical staff) or put them in such a grade the pay of which is equivalent to old grades? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) I am afraid the Honourable Member's question is not clear. It is a fact that ex-apprentice mechanics who completed their training before 1932 and were engaged or re-engaged had fairly good records both in the Technical School and in workshops.

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1921 better position than those who have been trained in the years before and in 1931 owing to their being kept on the waiting list;

(b) whether they are prepared to consider the advisability of condoning that break of service by taking such apprentices as retrenched hands;

(c) whether by so condoning their break of service they will come to their due position which their juniors are enjoying now; and

(d) whether they are prepared to consider the question of restoring to those apprentices, who were deprived of continuity of service and of their training period, their due position by taking into account the period of training as a part of their service; and if not, what are the reasons therefor?

The Honourable Sir Muhammad Zafrullah Khan: (a) There are some such cases.

(b) No.

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

PERSONS DETAINED AS STATE PRISONERS AFTER THEIR ACQUITTAL BY COURTS.

245. *Mr. Amarendra Nath Chattopadhyaya: Will Government be pleased to state how many persons who were hauled up before the Special Tribunals or the ordinary Criminal Courts or the High Court for trials in different provinces have been detained as State Prisoners immediately after either acquittal or discharge under the Criminal Law Amendment Acts or under the Ordinances or under the Regulation extending in different provinces?

The Honourable Sir Henry Craik: Of the State Prisoners now under detention action has been taken only against one person after his acquittal by the Court. Action has also been taken against one other person after the criminal case against him had been withdrawn.

Sardar Sant Singh: May I know the grounds which led the executive Government to withdraw the case against the gentleman?

The Honourable Sir Henry Craik: That was the Delhi Conspiracy Case. An announcement was made at the time. The Tribunal which was trying the case was dissolved on account of the tremendous delay which had occurred in handling the cases and action was taken against only some of the accused.

Sardar Sant Singh: May I know why, after the acquittal or discharge of the men, they were detained as State Prisoners?

The Honourable Sir Henry Craik: Because they were dangerous terror-

Seth Govind Das: How many non-Indians are kept here as State Prisoners?

The Honourable Sir Henry Craik: Yes, certainly there are some.

Seth Govind Das: Are they kept on account of the request of the different countries?

The Honourable Sir Henry Craik: That does not arise.

STATE PRISONERS DETAINED UNDER CERTAIN REGULATIONS.

246. *Mr. Amarendra Nath Chattopadhyaya: Will Government be pleased to state how many State Prisoners are there at present under Regulation III of 1818, or other Regulations of different provinces and how long they will be detained?

The Honourable Sir Henry Craik: There are 74 State Prisoners detained under Regulation III of 1818 and four under Madras Regulation II of 1819. There are none under Bombay Regulation XXV of 1827. These State Prisoners will be detained so long as their detention is necessary in the public interests.

Sardar Sant Singh: Has there been any increase or decrease in the number of prisoners that are detained under Regulation III of 1818?

The Honourable Sir Henry Craik: Since when?

Sardar Sant Singh: Since the question was last answered—probably last winter Session?

The Honourable Sir Henry Craik: There has been a decrease of two this year.

CHARGES AGAINST STATE PRISONERS OF BENGAL.

247. *Mr. Amarendra Nath Chattopadhyaya: (a) Will Government be pleased to state the charges against the present State Prisoners of Bengal who have been under detention since 1930 and the result of review of their cases which Government do every six months?

(b) Will Government be pleased to state if these State Prisoners have been found to have done any political crime during these years of their detention to deserve continuity of their detention under fresh charges?

(c) If the answer to part (b) be in the negative, will Government be pleased to state what fresh charges are brought and proved against them for which their detention is continued further?

The Honourable Sir Henry Craik: (a) to (c). There are at present 17 Bengal State Prisoners. 11 of whom were retained under the provisions of Regulation III of 1818 since the end of November, 1931, and the remainder since the beginning of January, 1932, on the ground of their terrorist activities. They are detained because Government are satisfied that their release would strengthen the terrorist movement. Their cases

(b) Government are informed that some of them were not employed as at the time of completion of their apprenticeship the work in hand did not justify an increase in the number of supervising staff in their trades. The Administration has the right to hold in abeyance vacancies if the work required to be done does not justify appointments to such vacancies.

(c) Yes, when the work justified their engagement.

(d) Yes, those apprentices who were appointed as such on or before the 15th July, 1931, and were later absorbed in the regular establishment as chargemen, etc., without a break are entitled to the old scales of pay.

(e) An *ex*-apprentice who is re-appointed after a break would naturally be junior to another of the same batch who is retained in service without a break.

(f) It is not the membership of the Provident Fund that determines the permanent status of an employee but the permanent status confers right to membership of the Provident Fund. There are certain exceptions one of which is that apprentices appointed prior to 1931 are permitted by the terms of their apprenticeship to join the Provident Fund although they were not permanent staff and permanent appointment is not guaranteed on completion of apprenticeship.

(g) Yes, if re-appointed before the 1st April, 1936.

(h) Yes.

(i) No. Government see no reason to liberalize the existing rules.

APPOINTMENT OF APPRENTICES ON THE EAST INDIAN RAILWAY.

255. *Mr. Amarendra Nath Chattopadhyaya: With reference to the reply to parts (a) to (d) of starred question No. 38 asked on the 3rd September, 1935, regarding the appointment of apprentices on the East Indian Railway, will Government please state:

(a) the reasons for selecting those two *ex*-apprentices for the posts in preference to others;

(b) how the selection for those posts was made; and

(c) who made the selection and what were their qualifications; and if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) They were selected because they had stood first in the technical school examination in their respective batches.

(b) By a selection board.

(c) I would invite the Honourable Member's attention to my reply to part (b). Government are not aware who were the officers who constituted the selection board.

EX-APPRENTICE MECHANICS APPOINTED IN THE EAST INDIAN RAILWAY WORKSHOPS.

256. *Mr. Amarendra Nath Chattopadhyaya: (a) Will Government please state whether they have acted in accordance with the procedure cited in answer to starred questions Nos. 296 (b) and (c) and 471 (d) asked on the 10th September, 1929, and the 5th March, 1930, respectively

regarding the appointments of *ex*-apprentice mechanics in the chargeman T. T. grade? If so, will they please lay on the table a statement showing separately the names of *ex*-apprentice mechanics who have been appointed in different workshops, under the Chief Mechanical Engineer, East Indian Railway, since 1933, together with the following particulars:

(i) name of the workshop employed;

(ii) date of completion of apprenticeship, training;

(iii) division passed in Technical School; and

(iv) starting pay?

(b) Will Government please state separately the number of vacancies in the different grades of supervising staff occurred in different workshops under the Chief Mechanical Engineer, East Indian Railway, since 1932?

The Honourable Sir Muhammad Zafrullah Khan: (a) As regards the first part of the question, Government understand that the procedure referred to is being followed. As regards the latter part, the available information was laid on the table of the House on the 2nd September, 1935 in reply to question No. 1015.

(b) Government have no information and do not consider that the expense and labour involved in compiling the information will be commensurate with the results likely to be achieved.

QUALIFICATIONS OF CHARGEMEN, ASSISTANT FOREMEN AND FOREMEN EMPLOYED IN CHARBAGH AND ALAMBAGH RAILWAY WORKSHOPS.

257. *Mr. Amarendra Nath Chattopadhyaya: (a) Is it a fact that a majority of the chargemen, Assistant Foremen and Foremen employed in Charbagh and Alambagh Workshops under the Chief Mechanical Engineer, East Indian Railway, neither received any technical education nor practical training? If so, will Government please state the reasons therefor?

(b) If the answer to part (a) be in the negative, will Government please supply separately the names of all chargemen, Assistant Foremen, and Foremen (including those who are officiating) employed in those workshops together with the following particulars:

(i) General education (University Examination passed);

(ii) Technical education (Division passed);

(iii) Practical training; and

(iv) Service?

If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) The reply is in the negative.

(b) No. Government consider this unnecessary as it is unlikely to serve any useful purpose.

PROMOTION OF JOURNEYMEN TO HIGHER CHARGEMEN'S GRADE IN THE CHARBAGH AND ALAMBAGH RAILWAY WORKSHOPS.

258. *Mr. Amarendra Nath Chattopadhyaya: (a) Is it a fact that the journeymen are promoted in higher chargemen's grade superseding the claims of chargemen T. T. in Charbagh and Alambagh Workshops, under the Chief Mechanical Engineer, East Indian Railway?

(b) Are Government aware that in the information laid on the table on the 2nd September, 1935, in connection with starred question No. 1824 asked on the 2nd April, 1935, it has been stated that journeymen's grade is lower than that of the chargeman T. T.?

(c) If the answers to parts (a) and (b) be in the affirmative, will Government please state the reasons for promoting journeymen to higher chargemen's grade in preference to chargemen T. T.?

(d) Are Government prepared to take necessary steps to replace those journeymen who are still officiating in higher chargemen's grade by chargemen T. T. and to stop such practice without further delay and issue necessary orders to the Railway Administration to this effect? If not, why not?

(e) If the answer to latter portion of part (d) be in the affirmative, will Government please lay a copy of the order on the table? If not, why not?

(f) If the answer to part (a) be in the negative, will Government please state whether they are prepared to make an early enquiry into the matter and take necessary steps? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes, this has been done in certain individual cases considering the merit and length of service in each case.

(b) Yes.

(c), (d), (e) and (f). Government have delegated full powers to local Administrations in matters relating to the appointment and promotion of subordinate staff and are not prepared to interfere.

SUCCESSFUL MECHANICAL EX-APPRENTICES OF THE LILLOOH WORKSHOPS.

259. ***Mr. Amarendra Nath Chattopadhyaya:** (a) With reference to the information laid on the table on the 2nd September, 1935, in connection with part (f) of starred question No. 1824 asked on the 2nd April, 1935, regarding the successful mechanical ex-apprentices of the Lillooh Workshops, East Indian Railway, will Government please state whether the Railway Administration have issued any orders to the Heads of the workshops such as Works Managers, to discontinue the practice of promoting mistries and others, who received no technical education at all, to the grade of journeyman, chargeman, etc., in preference to the ex-apprentice mechanics of Jamalpur Technical School?

(b) If the answer to part (a) be in the affirmative, will Government please lay a copy of the order on the table? If not, why not?

(c) If the answer to part (a) be in the negative, will Government please state whether:

(i) they are prepared to take necessary steps to issue such orders to Railway Administrations without further delay, and if not, why not; and

(ii) they are prepared to lay a copy of the same on the table and if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: Government are informed that no specific order has been issued but that all Deputy Chief Mechanical Engineers and Works Managers are aware of the policy that vacancies in the technically trained supervising grades should be filled by ex-apprentices on the waiting list as far as possible. The Agent, East Indian Railway, is, however, taking steps to bring it once again to the notice of all concerned.

DEMOLITION OF A HINDU TEMPLE IN THE RANGOON CANTONMENT.

260. ***Dr. T. S. S. Rajan:** (a) Are Government aware that a Hindu temple was demolished in Rangoon Cantonment by the Rangoon Development Trust? If so, will they be pleased to state the reasons that rendered such a step necessary?

(b) Are Government aware that the temple is a very old one, built by Hindu sepoys engaged in the Burmese Wars, for offering worship?

(c) Is it a fact that the residents in that locality, the descendants of the founders of the temple, have been offering worship in that temple?

(d) Will Government state under what provision of law the Development Trust acted in the matter in the manner in which they did?

(e) Were the worshippers intimated of the intention of the authorities to pull down the temple, and was their consent taken beforehand?

(f) Have Government received any representation from the worshippers and the Hindu public of Rangoon regarding the destruction of the temple?

(g) Are Government aware that the religious sentiments of the people have been outraged, and if so, how do they propose to make proper amends for it?

(h) Are Government prepared to compensate the aggrieved parties by rebuilding their temple at its original site and having it properly consecrated at their expense? If not, will they state the reasons for not doing so?

The Honourable Sir Henry Craik: (a) to (h). I would invite the Honourable Member's attention to the reply given by me on the 26th September, 1935, to Mr. Ananthasayanam Ayyangar's question No. 715. In addition to the information given in that reply, I am informed that the temple was a small hut built of temporary materials, and that it was in such a condition that its total value was estimated at Rs. 20 only. Its age and origin are uncertain, but there is reason to believe that it has not always stood on the site from which it was removed. The site was acquired by the Rangoon Development Trust under section 21 of the Lower Burma Town and Village Lands Act, 1898. Some representations and resolutions were received and they were forwarded to the Local Government for disposal.

Dr. T. S. S. Rajan: There is a principle involved in the operation of the Act here. This is a case of a religious place of worship. Could a religious place of worship, however small it may be, be demolished or taken possession of without the consent of the parties concerned?

The Honourable Sir Henry Craik: I have not myself referred to the Act; I cannot answer that without notice.

Mr. President (The Honourable Sir Abdur Rahim): It is a legal question.

Dr. T. S. S. Rajan: I suppose the Honourable Member is aware that it is a religious place of worship?

Mr. President (The Honourable Sir Abdur Rahim): That goes without saying if it is a temple.

Dr. T. S. S. Rajan: The sanctity of temples is violated by the operation of this Act?

Mr. President (The Honourable Sir Abdur Rahim): There is the Act; and the Honourable Member has said that he cannot answer off-hand.

INTRODUCTION OF THE DELHI TIME.

261. ***Dr. T. S. S. Rajan**: (a) Will Government please state if the "Delhi Time" which was introduced last year is still in force?

(b) Will Government please lay on the table the opinions of the various departments and interests that were consulted in the matter?

(c) Are Government aware that there is an impression that the "Delhi Time" has been introduced merely to give more time to officers for attending evening parties, tennis and the like and not in the interests of work or efficiency?

(d) Are Government aware that owing to the introduction of the "Delhi Time" last year the clerks and assistants living in the outlying areas of New Delhi, and especially in the new Minto Road quarters, had to take their morning meals much earlier than usual and were put to a great deal of inconveniences on this account, with resultant loss of efficiency and health?

The Honourable Sir Henry Craik: (a) No.

(b) Government do not consider any useful purpose would be served by placing on the table the opinions of the authorities consulted.

(c) No.

(d) I am not aware that anyone has suffered either in health or efficiency.

UNSAFE CONDITION OF INDIAN CLERKS' QUARTERS AT TIMARPUR, DELHI

262. ***Dr. T. S. S. Rajan**: (a) Will Government state if it is a fact that during the last summer some of the Indian clerks' quarters at Timarpur were inspected and some of the rooms were found unsafe and were ordered to be vacated?

(b) Is it not a fact that these quarters, as well as the old Imperial Secretariat Buildings were built to last only for five or ten years till such time as the permanent capital was built?

(c) Is it not a fact that most of the houses, as well as the office buildings referred to above, have become unfit and are in fact dangerous for human habitation?

(d) Do Government propose to take early steps to have a thorough survey made of these buildings and, if necessary, have them vacated and pulled down so that they may not constitute a danger to the people living in them?

The Honourable Sir Frank Noyce: (a) Yes.

(b) No.

(c) No. The quarters are admittedly in a bad condition and some of the outhouses were condemned as dangerous, but the quarters as a whole have not been condemned as dangerous and unfit for human habitation.

(d) A proposal to demolish the existing quarters and to build some new ones is under consideration. In the meantime such of the quarters as are occupied and are still required will be kept in a reasonable state of repair.

LEVY OF AN IMPORT DUTY ON RICE AND PADDY.

263. ***Dr. T. S. S. Rajan**: (a) Will Government be pleased to state the quantity and value of imported Siamese rice, broken rice and paddy, into India since the import duty of twelve annas was levied on imported broken rice in May last?

(b) Has the imposition of the duty in any way helped to raise the selling price of paddy in this country?

(c) Do Government still hold that there is no necessity for an import duty on foreign paddy and whole rice imported into India and, if so, will they be pleased to state their reasons?

(d) Are Government prepared to consider the desirability of levying an import duty both on whole rice and paddy?

The Honourable Sir Muhammad Zafrullah Khan: (a) I lay on the table a statement showing imports of rice, broken rice and paddy from Siam into India during April to December, 1935.

(b) Yes.

(c) and (d). The question of an import duty on rice is at present receiving the consideration of Government.

Statement showing imports of Rice, Broken Rice and Paddy from Siam into India during the months of April to December 1935.

Month.	Rice.		Broken rice.		Paddy.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
	Tons.	Rs.	Tons.	Rs.	Tons.	Rs.
April	300	18,900	3,918	3,15,348	Nil	Nil
May	500	45,540	Negligible	41	Nil	6
June	Negligible	6	Nil	Nil	Nil	Nil
July	500	45,842	Nil	Nil	5,073	3,18,611
August	750	77,000	9,035	5,87,417	550	33,836
September	453	41,489	11,930	7,90,139	5,358	3,04,076
October	401	37,367	5,792	3,69,594	3,247	1,56,775
November	1,673	1,63,511	9,602	6,45,941	3,535	2,25,711
December	2,988	3,08,982	7,696	5,15,447	637	49,592

Dr. T. S. S. Rajan: Are Government aware that so recently as two weeks ago, there has been an import of over 28,000 tons of rice in Bombay ports from Siam?

The Honourable Sir Muhammad Zafrullah Khan: Government have seen a report to that effect in the press, and they are taking steps to find out from the Port Officers concerned as to what the exact situation is.

Dr. T. S. S. Rajan: Have Government reviewed the price of rice in relation to the imports that are now on the increase?

The Honourable Sir Muhammad Zafrullah Khan: I have got figures with regard to the price of rice generally in the Madras Presidency as compared with September and November of last year. If that would interest the Honourable Member—it is a short statement—I can read it.

Dr. T. S. S. Rajan: Is the Honourable Member aware that besides the ports of Madras and Bombay, there are a number of other ports in South India along the coast where Siamese rice is being imported in large quantities?

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

Mr. T. S. Avinashilingam Chettiar: What is the answer to parts (c) and (d)?

The Honourable Sir Muhammad Zafrullah Khan: The question of an import duty on rice is at present receiving the consideration of Government.

Mr. S. Satyamurti: With reference to the answer to part (b)—I think the Honourable Member said, yes—what is the extent of rice in the selling price of paddy?

The Honourable Sir Muhammad Zafrullah Khan: I have got a statement of wholesale prices of paddy in the Madras Presidency with regard to September and November of 1934 and 1935. Perhaps that would help the Honourable Member. At Madura, in September 1934, the price was Rs. 2-11-0, and in September, 1935, Rs. 3. In November, 1934, Rs. 2-14-0, and in November, 1935, Rs. 3. In Nellore, the price was Rs. 2-13-0 and Rs. 3 in the two months of September and Rs. 2-11-0 and Rs. 2-14-0 in the two months of November. In Berhampore, it was Rs. 1-10-0 and Rs. 2-10-0 in September, 1934, and September, 1935, respectively, and Rs. 1-13-0 and Rs. 2-9-0 in November, 1934 and November, 1935, respectively. At Nandalore, the price was Rs. 2-11-0 and Rs. 2-13-0 in September, 1934, and September, 1935, respectively, and Rs. 2-13-0 and Rs. 2-10-0 in November, 1934, and November, 1935, respectively.

Mr. Sami Vencatachalam Chetty: Are Government aware that there has been a corresponding decrease of importation of Burma rice into the Continent of India as much as there was increase in the importation of Siamese rice?

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

Dr. T. S. S. Rajan: Are Government aware that a lot of rice has been mixed up with unbroken rice to escape duty, and the whole thing is being dumped into this country under that label?

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

Dr. T. S. S. Rajan: Have Government received any communication from the Government of Madras on this subject?

The Honourable Sir Muhammad Zafrullah Khan: Without looking into the matter, I cannot say from memory.

Dr. T. S. S. Rajan: Has there been any representation from the Association of Mirasdars of Tanjore?

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

Mr. S. Satyamurti: With reference to parts (c) and (d) of the question, may I know when Government expect to be in a position to come to any definite conclusion on the matter specifically raised in part (d) of the question?

The Honourable Sir Muhammad Zafrullah Khan: I do not think it will take very long.

MARKETING OF VARIOUS PRODUCTS OF AGRICULTURE.

264. ***Dr. T. S. S. Rajan:** (a) Will Government be pleased to state how far the Marketing Board, appointed by the Government of India, has helped the agriculturists in marketing their produce?

(b) Have they formulated any definite scheme for the marketing of various products of agriculture and if so, what are they?

(c) What representations have they made to the various Railway authorities for facilities for transport and reduction of freight rates of agricultural produce to marketing centres?

Sir Girja Shankar Bajpai: (a) and (b). A copy of the progress report of the marketing surveys up to the end of June, 1935, has been placed in the Library. The formulation of definite proposals about the marketing of various agricultural products will be undertaken after the surveys now in progress have been completed.

(c) The Honourable Member's attention is invited to the reply given by Mr. P. R. Rau on the 18th September, 1935, to Mr. Akhil Chandra Datta's question No. 455.

Dr. T. S. S. Rajan: Have Government any idea as to when they are likely to get these reports from the various provincial bodies?

Sir Girja Shankar Bajpai: The original idea was that the various reports should be in between December, 1935, and June, 1936. The Marketing Officer reports that he is endeavouring to keep to that programme.

PROPOSAL TO ABOLISH THE EXISTING FRANCHISE ENJOYED BY INDIANS IN FIJI.

265. ***Dr. T. S. S. Rajan:** (a) Is it or is it not a fact that there is a proposal to abolish the existing franchise enjoyed by Indians in Fiji?

(b) If the answer to part (a) be in the affirmative, what measures have the Government of India taken to protect the privileges which the Indians in Fiji have been enjoying till now?

Sir Girja Shankar Bajpai: (a) and (b). The attention of the Honourable Member is invited to the reply given by me on the 6th February, 1936, to Mr. Satyamurti's starred question No. 100.

TRAINING OF CLERKS, ASSISTANTS AND OFFICERS OF THE GOVERNMENT OF INDIA SECRETARIAT IN INDIA OFFICE.

266. ***Dr. T. S. S. Rajan:** (a) Will Government state the strength of the various branches of the India Office?

(b) Will Government state what proportion of the cost of the India Office is debited to Indian revenues?

(c) If any proportion is so debited, will Government state whether any, and if so, how many, Indians are employed in the various branches of this Office in any capacity?

(d) If no Indian has so far been employed in the India Office, are Government prepared to take early steps to send Indian clerks, assistants and officers by rotation from the Government of India Secretariat, for necessary training there?

The Honourable Sir Henry Craik: (a) Government have no information beyond what is contained in the India Office List, a copy of which is in the Library of the House.

(b) Approximately one half.

(c) Government have not the information.

(d) If the Honourable Member will refer to section 17 of the Government of India Act now in operation and section 280 of the Government of India Act, 1935, he will see that his suggestion is impracticable.

Mr. Lalchand Navai: In view of the fact that half the cost is being borne by the Indian exchequer, may I know whether Government would advise the India Office to engage Indians in their office?

The Honourable Sir Henry Craik: If the Honourable Member will refer to section 17 of the Government of India Act now in operation, he will see what the procedure is for making appointments in the India Office.

Mr. T. S. Avinashilingam Chettiar: What is the impracticability about it.

The Honourable Sir Henry Craik: The section lays down:

"(1) No addition may be made to the establishment of the Secretary of State in Council.....except by an Order of His Majesty in Council.

(2) The rules made by His Majesty for examinations, certificates, probation or other tests of fitness, in relation to appointments to junior situations in the civil service shall apply to such appointments on the said establishment",

that is on the India Office.

TRAINING OF INDIANS IN MANUFACTURING FIRMS IN GREAT BRITAIN.

267. ***Dr. T. S. S. Rajan:** (a) Is it a part of the duties of the Trade Commissioner for India in London to arrange and negotiate with manufacturing firms in Great Britain for practical training to qualified Indians in those firms?

(b) If so, how many Indians are there now receiving such training?

(c) Is there any limit to the admission of Indians and if so, what are the terms under which such admission is made?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member is referred to the reply given by me to Seth Govind Das' starred question No. 136 on the 7th February, 1936, and to the supplementary questions put on that date.

Prof. N. G. Ranga: What is the answer to part (b): How many Indians are there now receiving such training?

The Honourable Sir Muhammad Zafrullah Khan: Government have no information. It could not have been obtained within three days.

INDIAN TRADE COMMISSIONERS IN CERTAIN COUNTRIES AND TRADE AGREEMENTS WITH THOSE COUNTRIES.

***Dr. T. S. S. Rajan:** (a) Are there Indian Trade Commissioners in Germany, Italy, Paris, Czecho-Slovakia and Japan?

(b) Are there any trade agreements between these countries and the Government of India?

(c) Are Government prepared to consider the feasibility of entering into bilateral agreements with these countries wherein, besides other things, provision for training duly qualified Indians for practical instructions in industrial concerns may also find a place?

(d) If not, will they be pleased to state their reasons?

The Honourable Sir Muhammad Zafrullah Khan: (a) There is one Indian Trade Commissioner in Germany and another in Italy. Northern France and Czecho-Slovakia are included within the jurisdiction of the former and Southern France within that of the latter.

(b) India has trade agreements with Italy, France and Japan. There are no separate agreements with Germany and Czecho-Slovakia but by virtue of treaties between the United Kingdom and these countries, Indian goods are entitled in them to most-favoured-nation treatment on terms of reciprocity.

(c) and (d). Government do not consider that it would be practicable to include a provision of the kind suggested by the Honourable Member in a bilateral trade agreement.

Prof. N. G. Ranga: When do Government propose to send a Trade Commissioner to Japan?

The Honourable Sir Muhammad Zafrullah Khan: I cannot say. Government have not yet decided.

Prof. N. G. Ranga: Are they considering?

The Honourable Sir Muhammad Zafrullah Khan: Yes.

Mr. Husenbhai Abdullahai Laljee: How long it would take?

The Honourable Sir Muhammad Zafrullah Khan: I cannot say now.

REPORT OF THE DRUGS INQUIRY COMMITTEE.

269. ***Dr. T. S. S. Rajan:** (a) When did the Drugs Inquiry Committee submit their report to Government?

(b) What were its chief recommendations?

(c) Have Government taken any action on that Report?

(d) If not, will Government be pleased to state their reasons?

(e) What action have Government taken with regard to the resolution passed by the Council of State in its last session at Simla regarding this subject?

(f) If they have not taken any action, will Government be pleased to state the reasons for not acting on the resolution recommended by the Council of State?

Sir Girja Shankar Bajpai: (a)---(f). I would refer the Honourable Member to the answer given by me to Seth Govind Das's question No. 135 on the 7th February, 1936.

PROVISION OF RAISED PLATFORMS ON STATIONS BETWEEN ERODE AND TRICHINOPOLY ON THE SOUTH INDIAN RAILWAY.

270. ***Dr. T. S. S. Rajan:** (a) Are Government aware that many stations in the broad gauge section of the South Indian Railway, between Erode and Trichinopoly, have very low platforms, which make it a perfect acrobatic feat to climb down from the train, particularly for elderly passengers especially women, and for children?

(b) Are Government aware that there are numerous small stations on this line where the trains do not halt for any length of time sufficient to enable the passengers to alight with safety?

(c) Is it not a part of the duty of the Railway authorities to provide this ordinary convenience in consideration of the fare they take from the passengers?

(d) Are not similar conditions prevailing at many stations on the Great Indian Peninsula Railway on the Grand Trunk Line from Wardha to Delhi?

(e) Are Government prepared to take necessary and early steps to improve the level of station platforms with due regard to public safety and convenience?

(f) Will Government state whether the Government Inspector of Railways brought this fact to their notice before the lines were declared open for traffic and if not, why did he not do so?

(g) Will Government state what action do they propose to take in this matter?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (d). Government are aware that at a number of stations with small traffic, low level platforms have been provided.

(b) No.

(c), (e) and (g). Railways are replacing low level with high level platforms as traffic increases enough to justify this action and as funds can be allotted for the purpose.

(f) There was nothing contrary to sanctioned standards which required a report from the Government Inspector.

Dr. T. S. S. Rajan: Do Government at all realise the inconvenience caused to the passengers through getting up and down this platform together with the risk there is?

The Honourable Sir Muhammad Zafrullah Khan: There is always inconvenience in the case of low platforms.

Dr. T. S. S. Rajan: I am particularly referring to my question. Are Government aware that people cannot ascend to and descend from the trains within the time allowed for the trains to stop because of these low platforms?

The Honourable Sir Muhammad Zafrullah Khan: Government have no reason to suppose that stoppages are not enough to enable passengers to board the trains quite comfortably.

Dr. T. S. S. Rajan: If accidents happen in boarding trains, are they reported so that they might take further measures to raise the platform?

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

REFUSAL OF PERMISSION TO A MEMBER OF THE LEGISLATIVE ASSEMBLY TO STAY IN THE YOUNG MEN'S CHRISTIAN ASSOCIATION, SIMLA.

271. ***Dr. T. S. S. Rajan:** (a) Are Government aware that a Member of the Legislative Assembly was refused permission to stay and take up rooms which were booked by him in the Simla Y. M. C. A.?

(b) Are Government aware of, and if so, will they state the reasons for such a conduct by the organisation?

(c) Does the Y. M. C. A. receive any subvention or any other grants from the Government of India, directly or indirectly, such as building grants, education grant or rural development grants?

(d) In view of the event that is the subject matter of this interpellation, are Government prepared to stop all contributions to the Y. M. C. A. in this country in future?

The Honourable Sir Henry Craik: (a) Government have seen press comments on this matter, but have no other information.

(b) No.

(c) and (d). No subvention is made by the Government of India to the Y. M. C. A., but I believe there have been instances where a special grant has been made for a particular purpose. I am not prepared to give an undertaking that the Government will give the Y. M. C. A. no assistance in the future.

Seth Govind Das: Is it a fact that this gentleman was refused accommodation there, because he puts on Indian costume?

The Honourable Sir Henry Craik: I have said that I have no information on the subject except what has appeared in the press which is just as readily available to Honourable Members as it is to me.

Prof. N. G. Ranga: Will Government take it from me, as the gentleman involved in this incident, that it is a fact that the Y. M. C. A. authorities refused me admission on the alleged ground that I was wearing a *dhoti* and not European clothing?

The Honourable Sir Henry Craik: I am quite prepared to take it from the Honourable Member.

Dr. T. S. S. Rajan: Do Government propose to take any action against the Y. M. C. A.?

The Honourable Sir Henry Craik: Government can take no action. It is not a Government institution; they were not consulted and they have no information.

Mr. S. Satyamurti: Will Government take up this matter with the authorities of the Y. M. C. A., in order to find out the facts and make up their minds one way or the other, before they consider any kind of help to this Association?

The Honourable Sir Henry Craik: I see no reason at all to do so.

Mr. S. Satyamurti: Why not? Why should Government help an Association which discriminates against Indians in their own country?

The Honourable Sir Henry Craik: That question seems to me to contain an argument.

Mr. S. Satyamurti: After this statement by an Honourable Member on the floor of this House that he was denied access because he wore Indian costume, why do Government refuse to take up the matter with the Y. M. C. A., before they make up their minds to give or not to give any contribution to them?

The Honourable Sir Henry Craik: Because the institution has nothing whatever to do with Government.

Mr. S. Satyamurti: Why do Government refuse to commit themselves not to give any help of any kind to this institution out of the tax-payer's money, which refuses admission to Indians in their own country?

The Honourable Sir Henry Craik: Government assist many institutions of various kinds in various ways, but do not interfere with their internal arrangements or domestic rules.

Mr. S. Satyamurti: Is it the policy of Government to help an Association which discriminates against Indians on account of their own Indian dress?

The Honourable Sir Henry Craik: No, Sir.

Mr. S. Satyamurti: Then, why do Government not give an undertaking

Mr. President (The Honourable Sir Abdur Rahim): Order, order; next question.

QUININE HELD BY GOVERNMENT.

272. ***Dr. T. S. S. Rajan:** (a) Will Government be pleased to state the quantity of quinine held by them at the end of 1935?

(b) What is the present rate of sale of the Government stocks and that of the market?

(c) What is the actual cost of production of quinine for Government?

(d) What is the profit which Government make on every pound of quinine over and above the cost of production?

Sir Girja Shankar Bajpai: (a) At the end of 1935 the total quantity of quinine belonging to the Government of India amounted to 167,921 pounds. This includes the reserve of 150,000 pounds which is maintained to meet national emergencies.

(b) The sale price of Government quinine is Rs. 18 per pound. The current market price is about Rs. 23 per pound.

(c) The average cost of production of quinine, for the Government of India, excluding overhead charges for direction and rent, is estimated at about Rs. 15 per pound.

(d) Attention of the Honourable Member is invited to the reply given to parts (b) and (d) of Srijut N. C. Bardaloi's unstarred question No. 54 on the 9th September, 1935.

Dr. T. S. S. Rajan: I simply wanted to know whether there is any profit which Government make on the transaction.

Sir Girja Shankar Bajpai: My Honourable friend asked a supplementary question on that point the other day, and I told him that if the rent element and the overhead charges were included, the profit would be possibly a few annas a pound.

MARKET PRICE OF QUININE.

273. ***Dr. T. S. S. Rajan:** (a) Is the market price of quinine controlled by a combine, of which India is a member?

(b) Who are the other members of the combine?

(c) Is it not a fact that the combine regulates the prices of quinine, and that the present selling rate of Government quinine is due to the fact that Government are obliged to keep up a high selling rate on account of their membership in that combine?

Sir Girja Shankar Bajpai: (a) The market price of quinine probably depends upon those who control 90 per cent of the production of the drug. India is not a member of any combine.

(b) The Government of India have no information.

(c) As regards the first part I would refer the Honourable Member to the answer to part (a). The answer to the second part of the question is in the negative. Actually the Government price is considerably lower than the market price of trade quinine.

INDIA'S QUININE REQUIREMENTS.

274. ***Dr. T. S. S. Rajan:** (a) Is India self-contained in the matter of its quinine requirements?

(b) How much quinine does Burma Province produce?

(c) In the event of the separation of Burma from India, will not Government be deprived of a necessary product which is required for her people?

(d) Do Government propose to increase the area of cinchona cultivation in this country? If not, why not?

Sir Girja Shankar Bajpai: (a) No.

(b) It is not possible to give an exact figure as Java bark has so far been mixed with Burma bark in the production of the Government of India quinine, but it is calculated that if a year's output of Burma bark were converted into quinine sulphate by itself the yield would be 3,000 lbs. of quinine sulphate approximately.

(c) The Government of India will have no source of supply of raw material left but Bengal and, to a less extent, Madras, will.

(d) Under the new constitution the production, supply and distribution of quinine will rest entirely with Local Governments.

Prof. N. G. Ranga: What steps do the Government of India propose to take to see that India is self-sufficing in the matter of quinine supply after the separation of Burma from India?

Sir Girja Shankar Bajpai: I have answered that question on previous occasions. On the present I would refer the Honourable Member to what I said in reply to part (d), namely, that the responsibility for the production, supply and distribution of quinine from next year will in all probability rest with the Local Governments.

Prof. N. G. Ranga: Will Government consider the advisability of expecting its Public Health Department to enable each one of these Provincial Governments to equip themselves with the necessary quinine supply?

Sir Girja Shankar Bajpai: It is not possible even for the Public Health Department of the Government of India to do that, because, whether one can grow the cinchona tree or not depends upon climatic and a number of other conditions.

Prof. N. G. Ranga: Do the Government of India propose not to do anything at all in the matter of enabling these Provincial Governments to have their own supplies of quinine?

Sir Girja Shankar Bajpai: Not unless the Local Governments take any initiative in the matter.

GOVERNMENT OF INDIA SECRETARIAT PROCEDURE COMMITTEE.

275. ***Dr. T. S. S. Rajan:** (a) Is it a fact that Government have constituted a Committee to go into the question of selecting officers for the principal posts in and the procedure of the Government of India Secretariat?

(b) Will Government be pleased to state the reasons for this unusual procedure?

The Honourable Sir Henry Craik: (a) Yes.

(b) These were stated in a Resolution, dated the 3rd October, 1935, which was published in the *Gazette of India*, dated the 5th October, 1935.

Mr. S. Satyamurti: Has this Committee finished its labours?

The Honourable Sir Henry Craik: Not yet, Sir.

Mr. S. Satyamurti: When do Government expect its report?

The Honourable Sir Henry Craik: I hope in the next month or at the end of February.

Mr. S. Satyamurti: Will the report be placed before the House for discussion?

The Honourable Sir Henry Craik: I cannot give any undertaking about that.

Dr. T. S. S. Rajan: Do not Government consider the Public Service Commission a body suitable for this purpose instead of a special committee?

The Honourable Sir Henry Craik: No, Sir; it is not their business.

RECRUITMENT OF QUALIFIED SONS AND DEPENDANTS OF THE POSTAL EMPLOYEES IN THE BENGAL AND ASSAM POSTAL CIRCLE.

276. ***Mr. Lalchand Navalrai:** (a) With reference to my supplementary questions to starred question No. 384 asked on the 16th September, 1935 regarding the recruitment of the qualified sons and dependants of the postal employees in the Bengal and Assam Postal Circle, will Government be pleased to state how many relations and dependants of Government employees in the Posts and Telegraphs Department in Sind have been given preference in the matter of appointments on account of their relationship with postal employees during the last five years?

(b) How many of them were Hindus and how many Muhammadans and in what post were they placed?

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. As already stated in the reply to the supplementary questions referred to by the Honourable Member, other things being equal, preference is given to properly qualified sons and dependants of employees of the Department in the matter of recruitment, but such preference is always subject to the strict observance of Government's orders regarding the adjustment of communal inequalities.

Mr. Lalchand Navalrai: Is that rule being followed in Sind?

The Honourable Sir Frank Noyce: I hope so; I have no reason to believe the contrary.

Mr. Lalchand Navalrai: Has the Honourable Member satisfied himself on that point?

The Honourable Sir Frank Noyce: If my Honourable friend can bring to my notice any occasion in which it is not being followed, I shall be very glad to inquire into it.

IMPORT AND REVENUE DUTIES PAID BY EUROPEAN AND INDIAN OIL COMPANIES.

277. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state how many European and Indian Oil Companies are there in India including Burma Oil Company?

(b) Do these Companies both European and Indian pay the same import duty? If not, what is the difference of duty paid by them respectively and what are the reasons for this difference?

(c) Do these Companies pay differential rate of revenue duty? If so, why should that difference prevail?

(d) What is the long history behind these differential rates of duty as stated by the Honourable the Finance Member in reply to a supplementary question to starred question No. 175 asked by Mr. C. N. Muthuranga Mudaliar on the 6th September, 1935?

(e) Do Government propose to remove this difference? If not, why not?

The Honourable Sir James Grigg: (a) There are sixty-six companies in India which deal in petrol, kerosene and allied mineral products. Of these forty-five are incorporated in India and twenty-one are incorporated in other countries.

(b) All companies pay the same rate of import duty.

(c) and (d). The Honourable Member is presumably referring to the difference between the import duty and the excise duty on kerosene. The rates at which these duties have been levied at various times were stated in my reply to question No. 1566 asked by Mr. Avinashilingam Chettiar on the 5th of April, 1935. The import duty existed before the excise duty, and since the excise duty was first imposed in 1922 it has always been somewhat lower than the corresponding import duty. The indigenous product in fact continued to enjoy an advantage of the same nature as that enjoyed by a large number of other commodities produced in India against imports from abroad on which a purely revenue duty is levied.

(e) No, because the maintenance of this difference is one of the terms of the Indo-Burma Trade Agreement.

Mr. Lalchand Navalrai: What I wanted to know was whether there is any discrimination between the different companies with regard to revenue duties.

The Honourable Sir James Grigg: All companies pay the same import duties.

Mr. Lalchand Navalrai: I refer to revenue duty mentioned in clause (c) of the question.

The Honourable Sir James Grigg: No, Sir.

AMENDMENT OF THE INDIAN COMPANIES ACT AND THE INSURANCE LAW.

278. ***Mr. Lalchand Navalrai:** (a) With reference to starred question No. 132 asked by Mr. S. Satyamurti on the 5th September, 1935 regarding the amendment of the Indian Companies Act, will Government be pleased to state whether Mr. Sen, the Special Officer in connection with the revision of the Indian Companies Act, has submitted his report?

(b) If the answer to part (a) be in affirmative, do Government propose to give an idea of its recommendations if they do not still consider it desirable to circulate it amongst the Members of the Legislative Assembly? If not, why not?

(c) When do Government propose to introduce a Bill amending the Indian Companies Act in pursuance of the report submitted by Mr. Sen?

(d) Was Mr. Sen asked to consider the amendment of the Insurance laws; if so, whether he considered the same and made any recommendations, and if so, what are those recommendations?

(e) Has Mr. Sen made any suggestions to amend the Provident Insurance Societies Act of 1912, with a view to check the unsatisfactory features attending the growth of Provident Fund Societies in Sind and India? If so, what are those suggestions?

(f) Do Government propose to give effect to the recommendations made and when do they propose to amend the Insurance law in India?

The Honourable Sir Nripendra Sircar: (a) Yes.

(b) No. The report is confidential.

(c) In the near future.

(d), (e) and (f). Mr. Sen has reported on the necessity for amending insurance law. His report, which is confidential, is receiving the consideration of Government. Their future course of action will be decided when that consideration is complete.

Mr. Lalchand Navalrai: Will it take long to bring about the amendment of the Insurance laws?

The Honourable Sir Nripendra Sircar: That will depend upon how long this House will take to pass the Company laws. I said in answer to a question by Mr. Satyamurti that we cannot consider the amendment of the Insurance laws until the Company laws have been finished, and we should not take long over it.

Mr. S. Satyamurti: What is the answer to part (c)?

The Honourable Sir Nripendra Sircar: I think I answered a supplementary question in which I said that the matter has been considered by Mr. Sen, and I think I also gave an undertaking that it would be considered by Government.

Mr. S. Satyamurti: I am asking about Provident Fund Societies particularly.

The Honourable Sir Nripendra Sircar: My answer covers them.

ALLEGED IMPERSONATION AND OTHER MALPRACTICES EMPLOYED IN ELECTIONS TO LEGISLATURES AND LOCAL BODIES.

279. ***Mr. Lalchand Navalrai:** (a) With reference to my starred question No. 236 asked on the 10th September, 1935, regarding the alleged impersonation and other malpractices employed in elections to Legislatures and Local Bodies, will Government please state whether they have received the opinions of Local Government with whom they were in consultation?

(b) If so, have Government come to any conclusion and adopted any measures to stop the evil of impersonation and other malpractices?

(c) Had Government any occasion to enquire into the method adopted by the Karachi Municipality for check-mating the impersonation? If not, do they propose to make an enquiry from the Karachi Municipality and recommend the adoption of that method in the elections to the Legislatures?

The Honourable Sir Henry Craik: (a) Yes.

(b) The matter is still under consideration and correspondence with the Local Governments.

(c) I told the Honourable Member on the 10th September, 1935, that if he would give me the facts about the action taken by the Karachi Municipality, I would look into it. This he has not done. But the Honourable Member is no doubt aware that the Bombay Legislature has recently passed an Act to deal more affectively with impersonation at elections.

Mr. S. Satyamurti: Have Government considered, or are they considering, the question of introducing secrecy in votes by illiterate persons, either by adopting the system which obtains, I believe, in Bihar, of naming candidates by flowers or animals or by giving colours to the ballot boxes and enable them to vote in secrecy?

The Honourable Sir Henry Craik: I believe this is being considered by the Delimitation Committee, but I am not certain. It is not my subject.

Mr. S. Satyamurti: Whose subject is it? I am asking with reference to the question regarding the alleged impersonation and other malpractices employed in elections to Legislatures and Local Bodies. I want to know whether Government have considered the very important question of ensuring secrecy in votes.

The Honourable Sir Henry Craik: I say that I believe that is being considered by the Delimitation Committee, but I am not certain.

Mr. S. Satyamurti: Can it be made certain?

The Honourable Sir Henry Craik: I shall find out.

AMENDMENT OF SECTION 61 OF THE INDIAN INCOME-TAX ACT.

280. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state whether they have submitted the question of amending section 61 of the Indian Income-tax Act to the Expert Committee which is appointed to overhaul the said Act; and if not, when do they propose to refer the same to them?

(b) If the answer to part (a) be in the affirmative, will Government please state whether the Expert Committee have considered the question or have taken any evidence in connection therewith?

The Honourable Sir James Grigg: (a) Yes.

(b) The Expert Advisers to Government are now engaged on their enquiries.

SAFEGUARDING OF THE INTERESTS OF HINDUS OF SIND FOR EMPLOYMENT IN RAILWAY AND GOVERNMENT SERVICES.

281. ***Mr. Lalchand Navalrai:** (a) Are Government aware that the North Western State Railway Administration regard the Hindus of Sind as a majority community in the matter of recruitment and employment in the Railway services?

(b) Are Government aware that Hindus are in fact an important minority community in Sind and that in their provincial matters they are regarded as such by the Provincial Government?

(c) Are Government aware that in view of the separation of Sind Hindus will be given the privileges and concessions of minority community in Sind?

(d) Are Government aware that the Hindu Sindhis are greatly prejudiced on account of their being treated as a minority community in All-India services, and are Government prepared to adopt measures to remove their grievances and make some suitable arrangement to vouchsafe their interests as a minority community in all-India services including Railways?

The Honourable Sir Henry Craik: (a) and (b). In accordance with the Resolution of 4th July, 1934, 60 per cent. of vacancies on the North Western Railway have been reserved for Muslims, 5 per cent. for Anglo-Indians and 9 per cent. for the other minorities. The Hindus of any particular province are not recognised as a minority community for the purposes of this Resolution.

(c) The separation of Sind will make no difference to the system of reserving vacancies in the Services to which the Resolution of 4th July, 1934, applies.

(d) Government do not consider it necessary to reserve any vacancies for the Hindus of Sind, as it is open to them to obtain unreserved vacancies.

Mr. Lalchand Navalrai: May I know from the Honourable Member, when they are treated as a minority community in Sind, what crime they have committed for being treated as a majority community in India?

The Honourable Sir Henry Craik: I have said, Sir, that they are not treated as a minority community for the purposes of this Resolution.

Mr. Lalchand Navalrai: That is exactly what I am asking.

The Honourable Sir Henry Craik: The Resolution deals with all-India recruitment; it does not deal with provincial recruitment.

Mr. Lalchand Navalrai: I am, therefore, asking why there should be a discrimination with regard to people in Sind, where they are considered to be minority community. Why should not the Resolution be amended?

The Honourable Sir Henry Craik: A minority in one particular province happens to be a majority in India as a whole. I am not responsible for it.

POWER OF PLACING ON LEAVE AN EMPLOYEE NOT SUFFICIENTLY CONVERSANT WITH RULES ON THE NORTH WESTERN RAILWAY.

282. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state whether it is a fact that the Assistant Transportation Officers on the Karachi Division of the North Western Railway, exercise powers of declaring an employee as "*insufficiently conversant with railway rules*" and place him on leave with or without allowances till he passes such a test?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to refer to part (d) of the answer laid on the table in reply to my starred question No. 630, asked on 15th August, 1934, and para. 8 of the Agent, North Western Railway, Lahore, letter No. 293 E./31, dated the

25th August, 1934, to the General Secretary, North Western Railway Union, wherein it has been definitely stated that only a Divisional Transportation Officer, if personally satisfied that a particular employee is *not sufficiently conversant with the rules*, can place him on leave with or without allowances? Why was this infringement of the rules made on the Karachi Division?

(c) Are Government aware that the Karachi Branch of North Western Railway Union did point out this infringement of orders in a representation to the Divisional Superintendent, North Western Railway, Karachi, in June last, and the Agent, North Western Railway, Lahore, but no action has so far been taken to see that the orders issued by the administration are carried out? If so, why?

(d) If Government are not aware of these representations, are they prepared to make enquiries in the matter for the information of this house?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b), (c) and (d). I would refer the Honourable Member to the reply given to an identical question (No. 224) asked by him yesterday.

Mr. Lalchand Navalrai: It is not quite correct as the question referred to Assistant Transportation Officers exercising the power of placing an employee on leave with or without pay.

The Honourable Sir Muhammad Zafrullah Khan: The reply was that he tests the people, but those he discovers as deficient and wants to send on leave, whether with or without allowances, have to be put up before the Divisional Superintendent who comes to a final decision. That was my reply yesterday, and the same reply is given today.

Mr. Lalchand Navalrai: But is it not in contravention of the rule actually made, which does not allow even such interference with the Assistant Transportation Officer?

The Honourable Sir Muhammad Zafrullah Khan: No, it is not contrary to the rule, because the final decision, with regard to people who have to be sent on leave with or without allowances, is taken by the Divisional Officer.

DIVISIONAL MEDICAL OFFICER, NORTH WESTERN RAILWAY, KARACHI.

283. ***Mr. Lalchand Navalrai:** (a) Will Government state when was the post of a Divisional Medical Officer created on the Karachi Division of the North Western Railway?

(b) Will Government please state when the present incumbent of the post of the Divisional Medical Officer, North Western Railway, Karachi Cantonment, took over charge of his office?

(c) Is it a fact that the present Divisional Medical Officer, North Western Railway, Karachi, has been calling a number of patients from all over the Division to his headquarters at Karachi Cantonment Station? If so, what for?

(d) If the reply to part (c) be in the affirmative, will Government be pleased to say why the patients are not allowed to take treatment from the railway doctors in whose jurisdiction employees are headquartered?

(e) Will Government be pleased to state the number of patients, so called by the Divisional Medical Officer, North Western Railway, Karachi, from outstations?

(f) Will Government state whether this practice of calling patients is also observed in other Divisions of the North Western Railway, or is only confined to the Karachi Division? If the reply be in the negative, why the Divisional Medical Officer, North Western Railway, Karachi is doing so and is allowed to do so? If the reply be in the affirmative, will Government be pleased to lay on the table a statement for the last 12 months showing separately the number of patients called by each Divisional Medical Officer, North Western Railway?

(g) When a patient is so called by the Divisional Medical Officer, North Western Railway, Karachi, will Government state whether the concurrence of the patient in regard to his going to the Divisional Medical Officer is obtained? If not, why?

(h) Do Government hold the Railway Administration responsible in case of a mishap to a patient who, inspite of his unwillingness, is called for by the Divisional Medical Officer, North Western Railway, Karachi, to his headquarters?

(i) Is it a fact that even patients suffering from minor ailments or injuries are called by the Divisional Medical Officer at his headquarters? If so, why?

(j) Is it compulsory for an employee to proceed to the headquarters of the Divisional Medical Officer in response to a telegram from the latter to get himself treated? If so, under what rules and orders?

(k) How is the period spent in travelling to and from Karachi Railway Hospital treated? Whether on duty or leave? If leave, why so?

(l) What are the expenses incurred by the Administration by this act of the Divisional Medical Officer? Will Government lay on the table a statement showing details of the Railway expenses on this item, during the tenure of office of the present Divisional Medical Officer?

The Honourable Sir Muhammad Zafrullah Khan: (a) The post of District Medical Officer, Karachi, was created from the 30th March, 1935.

(b) The present incumbent of the post took over charge of his office about the end of August, 1935.

(c) to (l). Government have no information. These are matters of detailed administration for the Agent, North Western Railway, to decide, to whom a copy of this question has been sent for such action as he may consider necessary.

Mr. Lalchand Navalrai: May I know whether in view of the fact that the Medical Officer is putting his patients to trouble in asking them to go to his headquarters at Karachi, the Honourable Member would ask the Agent to at least let us know what he is doing in this matter?

The Honourable Sir Muhammad Zafrullah Khan: Government are perfectly satisfied that this particular District Medical Officer, in asking people to see him at his headquarters, when occasion arose, has done nothing at all which is objectionable.

Mr. Lalchand Navalrai: May I, therefore, know if other Medical Officers in other Divisions can also do the same?

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member will put down a question, I will try to find out.

Mr. Lalchand Navalrai: Has the Honourable Member considered the inconvenience caused to the public by their having to go to the headquarters which they had not to do before?

The Honourable Sir Muhammad Zafrullah Khan: I have considered the question that has arisen, that is to say, I am assured that this particular District Medical Officer has done nothing which is objectionable.

Mr. Lalchand Navalrai: The Honourable Member may have a good opinion of the Medical Officer, but I am asking whether on general principles Medical Officers are allowed to ask their patients to go from one end of the Division to the other when they are sick?

The Honourable Sir Muhammad Zafrullah Khan: No general rule can be laid down. It depends on the kind of disorder or illness which the patient is suffering from and the convenience of the District Medical Officer.

FACILITIES FOR RAILWAY PATIENTS CALLED FOR TREATMENT BY THE DIVISIONAL MEDICAL OFFICER, KARACHI.

284. ***Mr. Lalchand Navalrai:** (a) Do the employees called by the Divisional Medical Officer, Karachi, for treatment, get any travelling or daily allowance for the period they are out of their headquarters? If not, why not?

(b) Will Government state whether any arrangements are made by the Railway Administration to ensure sufficient reserved accommodation in trains in third and intermediate class compartments for patients to travel, in response to the Divisional Medical Officer's call? If not, why not?

(c) What arrangements exist for the patients called by the Divisional Medical Officer to his headquarters, for taking rest at Karachi during the period of their stay, if not admitted to the hospital? If not, why not?

(d) What arrangements are made by the Railway Administration to ensure supply of suitable diet to the patients during the period of their journey to, and stay at, Karachi, if they are not admitted in the Hospital?

The Honourable Sir Muhammad Zafrullah Khan: With your permission, Sir, I propose to reply to questions Nos. 284 and 285 together. Government have no information. These are matters of detailed administration for the Agent, North Western Railway, to decide to whom a copy of the questions has been sent for information and such action as he may consider necessary.

Mr. Lalchand Navalrai: May I appeal to you, Sir? Every question is being replied to in such a manner that I must raise a point of order again.

Mr. President (The Honourable Sir Abdur Rahim): I have considered this. The questions relate to details of administration. I do find that many questions are asked of that nature, and I must remind the House that it is not the function of the House to survey the details of any administration. The House can only hold the Honourable Members, who represent certain departments, responsible for the administration generally, and they cannot control the details of the administration at question hour.

Mr. Lalchand Navalrai: May I know what would be the remedy then with regard to these questions?

Mr. President (The Honourable Sir Abdur Rahim): I should exclude as many questions as possible which deal with mere details of day to day administration. These are matters for departments to deal with. But sometimes certain questions do leak out which relate to such details, which ought not to be canvassed in this House.

OPERATIONS PERFORMED BY THE DIVISIONAL MEDICAL OFFICER, KARACHI.

†285. ***Mr. Lalchand Navalrai:** (a) How many major and minor operations have been performed by the present Divisional Medical Officer, North Western Railway at Karachi Cantonment Railway Hospital, during his tenure of office there?

(b) Does the Chief Medical Officer, North-Western Railway, take into consideration the performance of operations by a Medical Officer as a qualification for promotion, or stay at an important and popular Divisional headquarters as is the case in Civil Medical Department? If not, why?

(c) What were the circumstances under which the present Divisional Medical Officer was sent to Karachi?

TRANSFER OF EMPLOYEES OF THE NORTH WESTERN RAILWAY ON MEDICAL GROUNDS.

286. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state what are the orders in force on the North Western Railway, in regard to transfer of an employee from one station to another on medical grounds either of the employee or his family members?

(b) Is it a fact that certain employees on the North Western Railway were asked by the Administration to produce certificates from the Railway Medical Officers recommending a transfer or stay at a station on medical grounds? If so, have these certificates been accepted? If not, why not?

(c) Will Government be pleased to state the number of employees on the North Western Railway who had been recommended a transfer from or stay at a station, on medical grounds during the last twelve months, and whether these transfers have been effected or not? If not, why not?

(d) What objections are there to the transfer or stay of employees to or at a station so as to give them healthy conditions for the performance of their duties?

(e) Do Government hold the Railway Administrations responsible for the consequences or deterioration of employees' health who are kept at a station in spite of a medical certificate to the contrary?

†For answer to this question, see answer to question No. 284

The Honourable Sir Muhammad Zafrullah Khan: (a) to (d). Government have no information. These are matters of detailed administration in which full powers have been delegated to the Agent, North Western Railway, to whom I have sent a copy of this question for information.

(e) This is a hypothetical question.

QUALIFICATIONS PRESCRIBED FOR APPOINTMENT AS CLERKS IN CERTAIN OFFICES ON THE NORTH WESTERN RAILWAY.

287. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state whether it is a fact that the North Western Railway Recruitment Rules provide that persons whose educational qualifications are below the matriculation standard of a recognized University or the Junior Cambridge in the case of students of European Schools, are not eligible for appointment in the clerical posts of the Divisional Superintendent's office or offices of Extra District Officers?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to give the date from which these orders were brought into force on the North Western Railway?

(c) Do these rules also apply to those non-matriculate members of the North Western Railway clerical staff, who were in the employment of the Administration before the promulgation of these rules, either temporarily or on probation? If so, why were these rules applied retrospectively?

(d) Have Government considered whether there can be any exception to these rules in regard to appointment of non-matriculates in the clerical ranks on the North Western Railway? If so, which authority is competent to order such an exception?

(e) Will Government be pleased to lay on the table a statement showing full particulars of the persons who have been debarred from confirmation in clerical posts on the North Western Railway on the ground that they did not possess matriculation qualifications?

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

(b) From 1924 the educational standard required from office clerks has been Matriculation, first or second division.

(c) and (e). So far as the Headquarters office of North Western Railway is aware, no non-matriculate member of the clerical staff who was on probation in a permanent vacancy at the time this standard was fixed suffered therefrom, but it is possible that non-matriculate members of the clerical staff, who were in temporary employment at the time, may have been debarred from subsequent permanent appointment but information is not readily available and Government regret their inability to undertake its compilation as it will involve an amount and time of labour not commensurate with the results likely to be obtained.

(d) This is a matter of internal administration which must be left to the Agent to decide. The authority competent to permit an exception is the Agent who fixed the standard.

(b) Is it a fact that this form does not contain any column for remarks against the person reporting sick by the memo. issuing officer? If so, is it a fact that some Supervisors issuing the memo. endorse the same with their own opinions and do not leave to the Doctor to give his uninfluenced opinion in regard to the sickness of the employee? If so, why?

(c) Do Government propose to put a stop to this practice? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) The answer is in the affirmative.

(b) There is space provided on the reverse side of the Form in which in the case of an application for sick leave the issuing officer may enter his opinion or remarks when sending an employee to the Medical Officer. Even if this space were not provided, Government consider that there would be no objection to an issuing officer expressing his views in regard to an individual who was being sent to the doctor, if he considered there was justification for doing so.

(c) No.

HOLIDAYS IN THE DIVISIONAL OFFICE, NORTH WESTERN RAILWAY, KARACHI.

291. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state the number of holidays admissible to the North Western Railway Headquarters and various divisional offices staff in a calendar year?

(b) Is it a fact that the employees of the North Western Railway Headquarters Office get Bank, sectional, and local holidays as well, while the staff of the Divisional Superintendent's office at Karachi are given only Bank holidays? If so, why?

(c) Will Government be pleased to state whether it is a fact that the Divisional Office, North Western Railway, Karachi, was kept open even on a Bank holiday in October 1935? If so, why? If Government are not aware of this fact, do they propose to make enquiries for the information of this House?

(d) Will Government please state whether employees called to office on a holiday are given leave in lieu thereof? If not, why not? If the reply be in the affirmative, will Government be pleased to state if the staff of the Divisional Superintendent's Office at Karachi, were given leave in lieu of the holiday in October last when the office was kept open? If not, why not?

(e) Is it a fact that a sectional holiday was given to the Muhammadan employees of the Divisional Superintendent's Office, Karachi, on 12th November 1935? If so, why discrimination was shown to other communities? Do Government propose to issue instructions to the North Western Railway Agency that there should be no discrimination on the railway in regard to the grant of holidays on communal grounds?

The Honourable Sir Muhammad Zafrullah Khan: (a) The staff of the North Western Railway headquarters office and various Divisional offices are normally granted the holidays notified in the gazettes of different provinces by the Provincial Governments under section 25 of the Negotiable Instruments Act of 1881, except the Bank holiday on the 29th or 30th June.

(b) The staff in the headquarters office are allowed holidays under the Negotiable Instruments Act (except the Bank Holiday on 29th or 30th June) and, in addition, certain important sectional and holidays provided work conditions permit. The grant of additional sectional and local holidays to staff in Divisional offices is left to the discretion of the Divisional Superintendents. The staff in the Divisional Superintendent's office, Karachi, are allowed holidays permitted under the Negotiable Instruments Act, but no sectional or local holidays, as in the opinion of the Divisional Superintendent, Karachi, the number of holidays allowed to staff in Sind is already adequate. The staff have, however, been notified by the Divisional Superintendent, Karachi, that it is open to them in exceptional cases to ask for casual leave on any particular local holiday which they find necessary to observe.

(c) The Divisional Superintendent, Karachi's office was not kept open on any gazetted holiday in October, 1935, but was kept open on gazetted holidays, one in March and the other in September, as both of these were Parsi holidays and there was no Parsi employee in the office.

(d) On the North Western Railway claims to compensatory leave of office clerical staff ordered to attend office on a holiday considered; the Divisional Superintendent, Karachi, has evidently lost sight of this and his attention is being drawn to this. In view of my part (c), the latter part of the question does not arise.

(e) The answer to the first part is in the affirmative. As regards the rest Government understand that this holiday was allowed through oversight and there was no intention to discriminate on communal grounds. Government do not consider any further action is necessary.

IMPORT AND EXPORT OF CIGARS.

292. ***Dr. T. S. S. Rajan:** (a) Will Government be pleased to state figures for import and export of cigars for the five year period commencing from 1930?

(b) Has there been a fall in the export? If so, will Government be pleased to state the reasons for such a fall?

(c) Do Government propose to take remedies, fiscal or otherwise, to prevent further fall of exports?

(d) Considering the flourishing condition of this industry in the past and its world-wide reputation, are Government prepared to take necessary steps to protect and improve the industry from becoming extinct?

(e) Are Government prepared to take such steps as are necessary to encourage the development of tobacco growing as is done in case of sugar manufacture?

The Honourable Sir Muhammad Zafrullah Khan: (a) The information asked for by the Honourable Member is given in the Annual Statement of the Sea-borne Trade of British India for the year ending 31st March, 1936, and the monthly Sea-borne Trade Accounts for March, 1936, copies of which are in the Library of the Legislature.

(b) There has been a fall in the export of cigars in recent years, mainly to the general trade depression and diminution of the demand for cigars.

CONSTITUTION OF THE LAHORE AND KARACHI ADVISORY COMMITTEES ON THE NORTH WESTERN RAILWAY.

288. *Mr. Lalchand Navalrai: (a) Will Government be pleased to state when were the Lahore and the Karachi Railway Advisory Committees brought into existence?

(b) Has there been any demand for amendment of their present constitution? If so, what action was taken in the matter?

(c) Do Government propose to amend the constitution of these two Advisory Committees with a view to make them more representative and widen the scope of their activities? If not, why not?

(d) What is the maximum period when a revision is desirable in view of their working? If no such duration has been fixed, do Government propose to lay down such a time limit?

(e) Has the question of revision of constitution of Advisory Committees been brought before the Central Advisory Committee for its consideration? If so, what was its view? If not, do Government propose to place it before that body for consideration?

The Honourable Sir Muhammad Zafrullah Khan: (a) In 1923.

(b) to (e). A Resolution recommending the re-constitution of Local Advisory Committees generally with a view to giving them larger powers and responsibilities and making them more thoroughly representative of the people was moved in another place on the 14th September, 1927. I would refer the Honourable Member to the discussion on that Resolution, which was ultimately withdrawn. The question of representation on Advisory Committees was on the agenda of the meeting of the Central Advisory Council for Railways held on the 14th September, 1935, when members desired further information to be obtained on certain points. The question will be brought up again at a meeting of the Central Advisory Council when the information called for from Railways has been received. The interests represented on the various Committees have been altered from time to time as and when the necessity for doing so has arisen. There is nothing to preclude other alterations being made at any time when the case for such alterations has been established.

APPLICABILITY OF THE RESOLUTION RE RECRUITMENT OF MUSLIMS TO INFERIOR AND LABOUR CLASS EMPLOYEES ON STATE RAILWAYS.

289. *Mr. Lalchand Navalrai: (a) Will Government be pleased to state what orders the Railway Board or the Agencies have issued with regard to the ratio of Muhammadans in inferior and labour services on the respective State Railways?

(b) Is it a fact that under the Government Resolution of 7th July, 1934, 25 per cent. has been fixed for Muhammadans in the State Railway services? If so, is this also applicable to inferior and labour class of servants? If not, why not?

(c) Is it a fact that the North Western Railway Administration had issued orders that a minimum of 25 per cent. of inferior and labour services be given to the Muhammadan community?

(d) Is it a fact that this order was subsequently modified and the representation of the Muhammadan community was raised from 25 to 71 per cent? If so, why this percentage was raised to 71 per cent?

(e) What percentage of posts in inferior and labour services on the State Railways is reserved for Hindus separately on each Railway? If no order has been issued in regard to Hindu community, what are the reasons therefor?

(f) Does the present percentage of Hindus in services on the North Western Railway in inferior and labour ranks come to that has been allotted to them? If not, what orders have been issued to bring the percentage of the Hindu community to the proportion allotted to them? If no orders have been issued, what are the reasons therefor?

(g) Is it a fact that the ratio of majority community in the inferior and labour services on the State Railways is not upto the percentage fixed for them? If so, do Government propose to issue instructions that in apportioning the future appointments in inferior and labour services the recruitment of Muhammadans be suspended till the percentage allotted to Hindus is reached? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) Agents of North Western and Eastern Bengal Railways have been instructed to maintain the existing percentages of minority communities including Muslims in inferior services and labourers, and Agents, East Indian and Great Indian Peninsula Railways, have been instructed to reserve one-third of the vacancies for the redress of marked communal inequalities in these services.

(b) The orders contained in the Home Department Resolution, dated the 4th July, 1934, apply to superior and subordinate services only and not to inferior servants and labourers.

(c) No.

(d) Does not arise.

(e) No definite percentage has been fixed for Hindus on any railway. They are eligible for appointments to all unreserved vacancies.

(f) and (g). In view of my reply to part (e) these parts of the question do not arise.

Mr. Lalchand Navalrai: May I know if the Honourable Member can enlighten me as to why that rule does not apply to inferior servants and labourers?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid that is not for me to answer.

OPINION OF RAILWAY DOCTORS REGARDING THE SICKNESS OF EMPLOYEES ON THE NORTH WESTERN RAILWAY.

290. *Mr. Lalchand Navalrai: (a) Is it a fact that every employee, who reports himself as unable to go to duty due to sickness, is given a memo. to a Railway Doctor on the North Western Railway, on form G. 92 Revised?

(c) The Government of India are unaware of any steps which they can take to revive a diminishing demand in foreign countries.

(d) The Government of India do not consider that there is any danger of the extinction of this industry in India.

(e) Such steps as are considered necessary and practicable are being taken for the development of tobacco growing in India.

Prof. N. G. Ranga: Are Government aware of the fact that the Madras Government propose to raise a duty on tobacco growing in Madras, and get an annual income of Rs. 10 lakhs, and that this duty, if raised, is likely to destroy this particular cigar-making industry in the South?

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

POSITION OF INDIANS IN KENYA REGARDING THE RESERVATION OF LANDS TO THE WHITES IN THE HIGHLANDS.

293. ***Dr. T. S. S. Rajan:** (a) What is the position of Indians in Kenya regarding the reservation of lands to the whites in the highlands?

(b) Have the Government of the United Kingdom issued an order-in-council and were the Government of India consulted with regard to the same?

Sir Girja Shankar Bajpai: (a) I would refer the Honourable Member to the White Paper of 1923 and to the discussion on Mr. Satyamurti's adjournment motion in this House on the 27th March, 1935.

(b) The attention of the Honourable Member is invited to the reply given by me on the 5th February, 1936, to Mr. Satyamurti's question No. 62 and the connected supplementaries.

MEASURES TO COMBAT MALARIA AND PRICE OF CINCHONA.

294. ***Dr. T. S. S. Rajan:** (a) Has the attention of the Government of India been drawn to the resolutions passed during the last four years at the annual meetings of the Indian Medical Research Association, regarding the urgent necessity and importance of providing adequate treatment for the malaria-stricken population of India?

(b) What action has so far been taken and what is yet remaining to be done?

(c) What measures have Government taken to reduce the price of cinchona alkaloid so that it may be within the reach of the poor people?

(d) Do Government consider that cinchona preparations are mere commercial commodities to be sold at a profit or without loss?

(e) Have the cinchona plantations become part of the revenue-making departments instead of their original intention of being a philanthropic measure?

(f) What is the cost *ex-factory* of:

(i) Quinine sulphate;

(ii) Totaquina; and

(iii) Cinchona febrifuge?

(g) What are the sale prices of these three products of cinchona?

(h) What is the retail sale price of the drug through Post Office and what is the amount realised per pound by such sale?

(i) How does it compare with the cost of production and wholesale rate?

Sir Girja Shankar Bajpai: (a) Yes.

(b) The Resolutions were primarily for consideration by Local Governments and were duly communicated to them. The Honourable Member is aware that recently the Government of India have given 45,000 lbs. of quinine free of cost to Local Governments for free distribution.

(c) The price at which quinine is sold by Government is appreciably lower than the trade price.

(d) and (e). Attention of the Honourable Member is invited to the answer given on the 9th September, 1935, to parts (b) and (d) of Srijut N. C. Bardaloi's unstarred question No. 54 and to the answer given on the 7th of this month to parts (b) and (d) of Seth Govind Das's question No. 146.

(f) The cost *ex factory* of the Government of India quinine is about Rs. 15 per pound and that of cinchona febrifuge may be taken at roughly Rs. 7 per pound. Totaquina is not manufactured by the Government of India. The Governments of Madras and Bengal who produce it have been asked to state what the cost is.

(g) A statement is laid on the table.

(h) and (i). Information as to sales through the Post Office is being collected from Local Governments by whom the price for such sales is fixed.

Government sale prices of cinchona products.

	Rs. per lb.
Quinine sulphate	18 0
Totaquina	13 8
Cinchona febrifuge	9 0 1/2

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member inform the House whether India is self-supporting in its supply of quinine?

Sir Girja Shankar Bajpai: I have informed the House many times that India is not self-supporting in the matter of its requirements of quinine.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member inform the House whether it is the intention of the Government of India to make India self-supporting in its quinine or to continue indenting from Java and other places?

Sir Girja Shankar Bajpai: If the Honourable Member had been in his place when I answered a recent question, he would have appreciated the fact that it is no longer the function of the Government of India to try and make India self-sufficient in the matter of its requirements of quinine.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member inform this House in view of the proposed separation of Burma, what steps India intends taking to make good the supply that has hitherto been obtained from Burma?

Sir Girja Shankar Bajpai: That question also has been answered before, and I would suggest to my Honourable friend to make himself up to date.

Mr. President (The Honourable Sir Abdur Rahim): All these questions have been fully answered.

Dr. T. S. S. Rajan: When they receive the reports from the provinces with regard to the sale of quinine through post offices, if they find that they are making a profit, will the Government of India give the money to the poor people by reducing the price of quinine in the post offices?

Sir Girja Shankar Bajpai: The position as regards the sale of quinine is that there is a territorial division between the three Governments which have a supply—Bengal, Madras, and the Government of India. So far as the Government of India's area of distribution is concerned, I shall certainly look into the question as to whether instructions to Local Governments are necessary if they are making what my Honourable friend considers to be a profit on the sales of quinine. As regards the other two Local Governments which supply quinine, I can merely pass the suggestion on to them—I cannot do anything more than that.

Dr. T. S. S. Rajan: Will Government give me the information as to what price each packet of quinine is sold in the post office?

Sir Girja Shankar Bajpai: I have already said that the information is being collected: when I get the information, I shall place it on the table of the House.

Dr. T. S. S. Rajan: I am simply asking whether you know—I think it is three pice or something

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has answered the question—he is collecting the information.

Prof. N. G. Ranga: Have Government tried to ascertain what steps the Local Governments are trying to take to supply themselves with the necessary quantities of quinine after the separation of Burma?

Sir Girja Shankar Bajpai: So far as the present and the immediate future is concerned, Local Governments will be able to get their requirements from the supplies available with the Government of Bengal and the Government of India.

Prof. N. G. Ranga: Have the Government of India tried to sound the opinions of these various Governments whether they would like to supply themselves or whether they would like the Government of India to supply them with quinine?

Sir Girja Shankar Bajpai: I have already said that in this matter the initiative rests with the Local Governments.

SHORT NOTICE QUESTION AND ANSWER.

APPOINTMENT OF TWO MORE PUBLICITY OFFICERS.

Mr. M. Ananthasayanam Ayyangar: (a) Is it a fact that Government contemplate appointing two more Europeans as publicity officers for helping in the production of books like "India, 1933

84"?

(b) What is the probable additional cost per year under that head?

(c) What is the need for these officers?

(d) Are they intended to carry on propaganda against India or any political party in India?

The Honourable Sir Henry Craik: (a) It is intended to appoint two more officers to assist the Director of Public Information in his ordinary duties; one European and one Indian. Neither will have anything to do with the compilation of the Material and Moral Progress Report for India. I may add that neither the present Director of Public Information nor any of the officers of the Bureau had any share in the preparation of the last edition of this Report; clerical work of a routine nature was done by his office staff.

(b) About Rs. 57,000.

(c) The Government of India have been considering the question of improving their publicity arrangements at headquarters which they feel are very inadequate. Experience has shown that the Bureau as at present constituted cannot handle efficiently the publicity work of all Departments of the Central Government and that it is essential in order to enable the Government of India to discharge their obligation to the public through the medium of the Press, to possess an efficient organization for making known its policy and for making available information regarding its work in all spheres of administration. It has long been felt that under present conditions with two officers only, i.e., the Director and Deputy Director, the Bureau has not been able to keep sufficiently in touch with all the Departments of the Central Government and to enable the Bureau to do this effectively in future the Government of India consider it is essential that there should be four officers so that the publicity work of the Departments may be divided between them.

(d) No.

Mr. M. Asaf Ali: Are the Government of India aware that this proposal was placed before the Standing Finance Committee, and the Standing Finance Committee did not think that it was necessary for the Government to extend the Bureau, and they gave grounds for not doing so.

The Honourable Sir James Grigg: Yes, Sir; the Government are aware of it, but I think I made it clear to the Standing Finance Committee that the Government intended to present this grant to the Legislative Assembly with the information that a majority of members of the Standing Finance Committee were opposed to it.

Mr. S. Satyamurti: Did Government consider the decision of the Standing Finance Committee, and, if so, when?

The Honourable Sir James Grigg: Do you mean the recommendation of the Standing Finance Committee? Yes.

Mr. S. Satyamurti: What is their conclusion?

The Honourable Sir James Grigg: The conclusion is that it will present the grant to the Legislature accompanied by the information that the majority of the Standing Finance Committee members were opposed to it.

Mr. President (The Honourable Sir Abdur Rahim): The Member thinks by his amendment the Honourable Member wants to add another Railway system to those that are mentioned in the Resolution. That is enlarging the scope.....

Pandit Govind Ballabh Pant: The Resolution proposes the transfer of the management of Railways from the Companies to the States, and, by way of illustration.....

Mr. President (The Honourable Sir Abdur Rahim): Not all Railways.

Pandit Govind Ballabh Pant: By way of illustration it means some, and I was adding one more.

Mr. President (The Honourable Sir Abdur Rahim): That is enlarging the scope. Does the Honourable Member want to speak on the Resolution itself?

Pandit Govind Ballabh Pant: I will speak later on if necessary.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, in supporting this Resolution, I would like to draw the attention of the House to the previous history of both these railway lines. Let me first take the B. and N. W. Railway. This Railway consists of three distinct sections, and each of these sections has a history of its own. The three sections are, the main line—B. and N. W. Railway, the Tirhoot Railway, and the R. K. Railway. The first contract to establish the B. and N. W. Railway was made on the 12th December, 1882, and this contract was for a period of 50 years. The Government provided the land, and the surplus profits after paying six per cent. interest were to be divided between the Company and the Government. But, four years later, in 1886, this provision was rescinded and the Company was allowed to keep the entire profits to itself, and the Government had no share in the surplus profits. The contracts were revised from time to time, and, mostly in favour of the Company and, then, ultimately in the year 1931, the position was reached that either it should be acquired in the following year, or the contract would have to continue for another fifty years. This was the history of the B. and N. W. Railway. As regards the Tirhoot Railway, it belongs to the Government and the B. and N. W. Railway is simply working it. This is a very profitable concern and there is no automatic extension of lease for fifty years as far as this section is concerned. The third is the R. K. Railway. The first contract was signed on the 12th October, 1882, and it opened the first line between Bhojepura and Kathgodam in order to have access to Naini Tal. Subsequently, Government provided land free of cost, and also guaranteed interest at 4 per cent. up to 1885, and they also gave a subsidy of Rs. 20,000 a year for a period of ten years. The Lucknow Bareilly Section was built up by issuing debentures which were purchased by the Secretary of State for India in 1911, 1915 and 1918, so that this particular Railway now belongs to the Government. Therefore, the position of the R. K. Railway is such that it partly belongs to the Government and partly to the Company. This was the position in which we found these three Railways in the year 1931, because, that was the year in which notice was to be given to the Companies that we were going to acquire them in 1932, or, automatically, according to the previous contracts, their term

would extend for another period of fifty years. This question was discussed in the year 1931 and we appointed a special Committee to go into the details of the purchase of these Railways. The Committee reported and we had a full dress debate on the 3rd October, 1931, when the report was taken into consideration. We had at that time a great apprehension that the Government might let go the opportunity as they actually did in the case of the Assam Bengal Railway and we were not prepared that in case of these Companies the period should be extended for another 50 years. At that time, we drew pointed attention to the comforts of the travelling public; I drew a picture on that occasion about the manner in which the third class passengers were treated, but I hope that on this occasion other Members, who are familiar with the actual travelling conditions on this Railway, will do so. We had, however, certain special difficulties to face on that occasion which I shall just enumerate briefly. The first difficulty was that this debate took place on the 3rd October, 1931, that is, it was about 12 days after England went off the Gold Standard and we had great financial embarrassment at that time. We did not know exactly what would be our position a few years later, and to this was added the general trade depression and the general loss in the revenues of the country, so much so that in November, 1931, that is, a month later, the Finance Member had to produce a Supplementary Finance Bill and the House passed a Supplementary Finance Bill, that is, increasing by 25 per cent. the customs and revenue duties on each and every article without considering in detail whether it could or could not stand those duties. This was the financial embarrassment which was also mentioned in the report of the Committee. The report says:

"The Finance Member emphasised the fact that in present conditions a very large sterling sum, nearly £12 millions, required to purchase the Railways could not be raised without unduly straining India's credit with possible detrimental effect on existing securities, or without reducing the power of the Government to finance new expenditure in other directions."

That was really the difficulty which the Assembly and the Committee had to face, on account of which we could not purchase the lines immediately, and we passed a Resolution to which I shall refer later on. The B. and N. W. Railway Company knew the difficulties with which the Government of India were faced as regards financial embarrassment, and we also knew the difficulties of the B. and N. W. Railway, because they could not possibly run with profit without the Tirhoot Railway. On account of these mutual difficulties, the Assembly passed a Resolution, moved by the Honourable Sir George Rainy, the Member in-charge of Railways, recommending that the Government should enter into negotiations with the two Companies to obtain from them an option to purchase the lines on the most favourable terms on the 31st December, 1937, subject to one year's notice, or, if possible, on the 31st December of any earlier year, again subject to one year's notice. But, contrary to our expectations, the contract, instead of saying "on any date previous to 1937" permitted extension of time not contemplated by the Assembly. The present contract which the Secretary of State signed with the Company without the knowledge of the Assembly is to the effect that the Secretary of State for India shall have the option of purchasing the Company's Railway on the 31st December, 1937, or on the 31st December, 1942, on giving to that Company 12 calendar months' previous notice in writing of its intention in that behalf. The Resolution passed by the Assembly said that we should purchase in 1937 or earlier, but the actual contract signed

Pandit Govind Ballabh Pant: Was the matter considered by the Government of India after it had been disposed of by the Standing Finance Committee?

The Honourable Sir James Grigg: It is an advisory body; it cannot dispose of the question finally.

Pandit Govind Ballabh Pant: To the extent that the Standing Finance Committee had to deal with it, did the Government of India consider this matter after they had given their decision on it?

The Honourable Sir James Grigg: It was considered by the people concerned in the Government of India.

Mr. M. Ananthasayanam Ayyangar: What kind of publicity work is it proposed to be done by the addition of these two officers?

The Honourable Sir Henry Craik: That I have already explained.

Mr. M. Ananthasayanam Ayyangar: Wherefrom do the Government propose to get these two officers? Do they propose to bring them out from England, or one of them is already an officer in Government employ?

The Honourable Sir Henry Craik: One of them has come from England.

Mr. M. Ananthasayanam Ayyangar: What are his special qualifications for doing publicity work?

The Honourable Sir Henry Craik: That does not arise out of this.

Mr. S. Satyamurti: May I know, Sir, whether it is in the province of a single Member of Government to bring forward a demand, the adoption of which was rejected by the Standing Finance Committee, or whether the Government as a whole have to bring it up, ignoring the verdict of the Standing Finance Committee?

The Honourable Sir James Grigg: Whatever requirements have to be fulfilled before the demand is presented will be fulfilled.

Mr. S. Satyamurti: I want to know whether Government as a whole considered the decision, recommendation or advice of the Standing Finance Committee, and, if so, when, and what their decision was.

The Honourable Sir James Grigg: I do not know what the Honourable Member means. Government is entitled to administer its business through its departments as well as through Government as a whole.

Mr. S. Satyamurti: Have Government as a whole come to a final decision at all, and, if so, what?

The Honourable Sir James Grigg: Government have come to a final decision, which is to present the demand to the Assembly.

Mr. S. Satyamurti: May I know, Sir, if they have... **Mr. President (The Honourable Sir Abdur Rahim):** This is really quarrelling over words.

RESOLUTION: RE STATE CONTROL OF THE BENGAL AND NORTH WESTERN RAILWAY AND THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the following Resolution proposed by Mr. Muhammad Azhar Ali:

That this Assembly recommends to the Governor General in Council that immediate and necessary steps be taken to take over the control of the Bengal and North Western Railway and the Madras and Southern Mahratta Railway from the present lessees and further not to extend the contracts which expire in the year 1937.

Mr. B. B. Varma (Muzaffarpur cum Champaran Non-Muhammadan): Sir, I was saying, in supporting this Resolution for the termination of the contract with the B. and N. W. Railway, the R. K. Railway and the M. and S. M. Railway, when you were pleased to adjourn the House for discussion on the adjournment motion on Iraq, that even if a deficit was anticipated in the Railway Budget, this much is certain that whatever deficit other Railways might be expecting, these Railways, I mean the B. and N. W. Railway and the R. K. Railway will run at a profit and a good deal of profit too. When a Railway can pay a dividend of 10 per cent. to its shareholders and at the same time build up a reserve of a considerable sum in excess of even its original share capital, it will be a very good source of wiping off the deficit of other Railways and paying the quota of Railway Budget to the General Budget.

My last point is, Sir, that unless and until this Railway is taken over by the Government, the grievances of the employees and the travelling public cannot be remedied. During the last Delhi Session, I had put a number of questions concerning the grievances of the employees of this Railway, and you were pleased, Sir, to disallow most of my questions on the ground that this Railway was a private Railway and hence not the concern of the Governor General in Council.....

Mr. M. S. Anay (Barar Representative): Will the Honourable Member kindly come over to the front bench so that we may all hear him properly?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better come over to one of the front benches. He has only two minutes more.

Mr. B. B. Varma: I have finished, Sir. With these words, I strongly support the Resolution and appeal to the Government not to ignore the strong public opinion on this question and to accept the Resolution in letter and spirit.

Pandit Govind Ballabh Pant (Rohilkhand and Kumaon Divisions Non-Muhammadan Rural): Sir, there is an amendment in my name.

[Dr. Ziauddin Ahmad.]

said that it could be purchased in 1937 or in 1942. That is really contrary to what the Assembly recommended. Now, I come to the present position. Five years have passed away and I should like to examine whether we are in a position to purchase it now. The first objection that was then raised was our financial embarrassment. It cannot hold now. Money is very cheap and our credit has gone up. It is exceedingly easy for India to secure a loan at 3 to 3½ per cent. The loan can be raised easily in rupees or in sterling, and, if loan is raised in rupees, it is exceedingly easy to transfer it into sterling, because our sterling credit in England on account of the transfer of gold from India to that country is exceedingly good. Money may be raised in two ways,—(1) There may be a simple loan which the Government of India may raise at 3 or 3½ per cent., or (2) they may follow the proposal first formulated by Sir George Rainy on the floor of the House, and issue debentures with a guaranteed interest of 2 to 2½ per cent. and participation in profits. The first objection that was raised on account of financial embarrassment does not exist now. The second point which I should like to emphasise is whether it is or it is not a paying concern. This Company, during the last five years, has given a dividend of 19 per cent. in 1930, 16 per cent. in 1931 and 16 per cent. in 1932, 16 per cent. in 1933 and 16 per cent. in 1934. Suppose we pay the entire amount by taking a loan at 3½ per cent., how much will we gain? I have got before me the figures of the gross earnings, the working expenses and the net income of the B. and N. W. Railway, and if we pay the entire amount by taking a three per cent. loan, it will be a profitable concern, because the net earnings in the year 1930-31 is 98.7 lakhs, which, on the whole capital, gives an interest of 6.9. In the year 1932-33, the total net income was 98.7 which gives a net profit of 7.1. In the year 1933-34, it will come to 99.18, giving a net profit of 7.3, and, in the year 1934-35, our net profit was 106.4, giving a profit of 7.9 per cent. I now give the figures in a tabulated form:

PURCHASE PRICE—B. AND N. W. RAILWAY.

13.47 Lakhs.

Year.	Gross earnings.	Working expenses.	Net earnings.	Interest.	Dividend paid by Company.
1930-31	180	86	94	6.9	19
1931-32	177	81	96	7.1	16
1932-33	181	82	99	7.3	16
1933-34	191	83	107	8	16
1934-35	192	86	106	7.9	16

PURCHASE PRICE—R. K. RAILWAY.

2 Crores.

Year.	Gross earnings.	Working expenses.	Net earnings.	Interest on purchase price.	Dividend paid by Company.
1930-31	29	15	14	7	18
1931-32	27	14	13	6.5	15
1932-33	28	13	15	7.5	15
1933-34	30	15	15	7.8	15
1934-35	32	15	17	8.5	18

I entirely agree that our profit may not amount to these figures, which I have just outlined and which the Company is now deriving, because, when it becomes a Government line, the expenses are bound to go up slightly, and we have to provide more money for the comforts of passengers. Even allowing for this, an income of five per cent. is assured and it will be a profitable business. That finishes my second point. Now, I come to the third point. That is the demand of the general public.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has exceeded his time limit.

The Honourable Sir Zafarullah Khan (Member for Commerce and Railways): Does not the Honourable Member support that part of the Resolution which relates to the M. and S. M. Railway?

Dr. Ziauddin Ahmad: I am supporting the third main argument is this. We are about to start the Statutory Railway Authority. There will be no kind of political interference from the Legislative Assembly in the future. We must start a scheme of unification, and I may just remind the House that, in the interest of economy, every country is modifying its system of railways. In England, we had 112 different concerns of which 27 were the main and 85 subsidiary, but the Railway Act of 1921 united them into four concerns and further modification is in contemplation. We should also adopt the policy of unification and that was also the recommendation of the Committee which the Government did not follow.

Now, as to the M. and S. M. Railway.

Year.	Interest.	Surplus profit.	Total	Interest on purchase price.
1930-31	23.4%	40	63.4	9.5
1931-32	23.1%	41	64.1	9.4
1932-33	23.1%	31	54.1	8.5
1933-34	23.1%	38	61.1	9.0
1934-35	23.1%	28	51.1	7.5

[Dr. Ziauddin Ahmad.]

This Company was started on the 1st June, 1882. We purchased it in the year 1907 by paying 15 million pounds; and, according to a special contract, we will have the right to acquire it in the year 1937 by paying five million pounds or 666 lakhs. Now, the surplus profits of this particular Company in addition to 3½ per cent. is as follows. In the year 1930-31, the surplus profits are 40 lakhs; in 1931-32, 41 lakhs; in 1932-33, these are 31 lakhs, and in 1933-34, 36 lakhs; in 1934-35, these are 26 lakhs. It works up to an average of four per cent. This particular Company also gets 23½ lakhs for the guaranteed interest at 3½ per cent. The above tabled figures will give the true picture. They are getting 7½ to 9½ per cent., and I am sure that the Government of India can easily raise a loan at 3½ per cent. and thus gain 4½ per cent. to 6½ per cent. The whole of this surplus profit which now goes into the pocket of the Company will go to the Government of India and relieve the taxpayers of this country. We will also save the cost of the Home Board.

Before I sit down, I should like to emphasize that the Government of India, if they have any doubt on this point, should give us an opportunity to discuss the matter in the same manner as they did in 1931 by convening a special Committee appointed by the House or by the Government (to discuss the matter with them and go into all the arguments for and against) and that is the point which I would like to emphasize in the end.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir, we should like to know if the Government are supporting this Resolution. In that case, the debate will be facilitated. Or, are they going to oppose it? I suggest that they should take an early part in the debate.

Sir Abdul Halim Ghuznavi (Dacca *cum* Mymensingh: Muhammadan Rural): I am sorry I must oppose this Resolution. I cannot agree with my Honourable friend, who has just sat down, about the benefits that will accrue to the State by the acquisition of these Company-managed Railways. I shall deal presently with the Bengal and North Western Railway. In my opinion, this is not the time for the Government of India to assume wider responsibilities in regard to the management of railways by raising money for the acquisition of additional railways. There are many nation-building purposes for which funds are essentially necessary, and, if the funds can be raised at a cheap rate of interest, as my Honourable friend has just pointed out, we may well spend that money for many nation-building purposes which are urgent necessities.

An Honourable Member: What are they?

Sir Abdul Halim Ghuznavi: I shall tell you in the lobby and not waste time here. Improvements of the present transportation facilities rather than the taking over of going Railway concerns appear to be the need of the hour. Sir, if we get the money, let us open out as many lines as we can, instead of blocking the money for purchasing a Company-managed Railway which is managing things efficiently and well (Voices: "Oh, oh"). It is a fact, it is no use saying "Oh, oh", because they can pay a dividend (An Honourable Member: "At our expense"), and I am able to prove to the hilt the efficient management of this particular Company.

An Honourable Member: Travel in third class and see.

Sir Abdul Halim Ghuznavi: Sir, the railways are losing money year after year. There is the railway deficit. The Honourable the Mover of the Resolution said that if the State acquired these two Railways they would be able to make good their deficit. I do not know what my Honourable friend meant by saying that. The deficit is about four crores this year, and does the Honourable Member suggest that by taking over these two Railway lines, the Government will be able to make good these four crores, and that the moment the State acquired this Railway, it will not be a losing concern?

Maulana Shaukat Ali (Cities of the United Provinces: Muhammadan Urban): May I ask my Honourable friend

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not giving way.

Sir Abdul Halim Ghuznavi: Sir, the subject of State *versus* Company management is a very wide subject. What we really want is the control.

(Interruptions).

An Honourable Member: Is the State Railways?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should go on without taking notice of the interruptions.

Sir Abdul Halim Ghuznavi: The State has already got some control over the Company-managed Railways. (Voices: "No, no").

Lieut.-Colonel Sir Henry Gidney (Nominated Non-official): Only in respect of finance.

Sir Abdul Halim Ghuznavi: Finance is the mainstay of every concern.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better address the Chair.

Sir Abdul Halim Ghuznavi: One point I shall take, because I have got very little time. Speaking about the Bengal and North Western Railway, I regret to have to say this. The Honourable Member said that the Company was making a very huge profit. We have heard that large dividends are paid out to shareholders, but my Honourable friend forgot entirely that the capital on which these dividends are declared only represents a proportion of the whole capital. Sir, as far as I can understand from an answer given in reply to a question by Sir Alan Parsons some years ago, the capital of this Company consists of £2 million ordinary stock, £3 million preference stock and about £1,80,000 deferred stock. It is only on the first of these that high dividends have been declared.

An Honourable Member: What about the rest?

Another Honourable Member: It cannot be less than 3½ per cent.

Sir Abdul Halim Ghuznavi: I will repeat and say that this is not an opportune time to acquire these two railways which are doing very well. We are now seeing how the railways which are under State control are managed. If the Government want to raise money, let them do so, by all means; but let them open new lines out of that money in places where there are no railways. Sir, I oppose this motion.

Lieut.-Colonel Sir Henry Gidney: Sir, I rise to oppose this Resolution. I do so for a good many reasons. It was a great surprise to me to hear my Honourable friend, Dr. Ziauddin Ahmad, suggesting that the State should take over the two railways. From my memory of this Assembly, I have always put my Honourable friend, Dr. Ziauddin Ahmad, as the severest critic of the Railway Board. But he now poses in a different way and he wants to increase the labours and the responsibilities of the Railway Board which is at present a top-heavy institution and my Honourable friend further wants to mulct the finances of the country by adding to the deficit of the Railway Budget.

Dr. Ziauddin Ahmad: May I remind the Honourable Member of the Statutory Railway Board?

Lieut.-Colonel Sir Henry Gidney: We all know that the Railway Board is working at a great loss. I feel sure that, if we repeat the experiment that we did a few years ago when this House, in its earlier life, took over the Company-managed railways, we would be adding to the burden of financial liability and losses. Sir, none in this House can deny that from the time the Railway Board—it was a small institution at one time and it was a very well organised and paying institution—from the time the Railway Board took over the Great Indian Peninsula Railway and the East Indian Railway, those Railways have been steadily losing. Today, the Railways, due to many causes, controllable and uncontrollable, are in a sad state of debt. Does the Honourable Member seriously ask this House to add to the labours of the Railway Board a Railway which is functioning today as the best of any railway in India. It is paying a high dividend to its shareholders, and, by the Railway Board taking it over, I know that, within the next five years, it will add to its debt and increase its responsibility, and who knows we might be asked to appoint another Financial Commissioner and another Honourable Member for Railways. Sir, I do not think it would be to the advantage either of the Railway Board or the finances of this country if we support this Resolution of Mr. Muhammad Azhar Ali. I, personally, have always been dead against State control of railways. The recent past history of the Railway Board, as I said just now, is a sad one of deficits. Let us not, in our hasty desire to possess further control of Railways, especially those which are working efficiently, add to our liabilities and to the loss of the railway concerned. Sir, with these few observations, I oppose this Resolution.

Maulvi Badrul Hasan (Tirhut Division: Muhammadan): Sir, I beg to support the Resolution. Since the Acworth Committee report, it is an undisputed proposition that the railways should be brought under State control. In the first Session of 1931, the question of the termination of the contract with the Bengal and North Western Railway and the other company was raised and this led to the formation of a Select Committee. The report of the Select Committee was placed before the House in the

second Session. Sir George Rainy the then Member for Commerce and Railways put forward the difficulty of raising funds in so short a time as one year and gave assurance of purchasing the said railways in the course of two or three years. His words are:

"But I have not the least doubt that, whoever may sit in the seats we sit today, the question of the possibility of purchase on reasonable terms will come before the Assembly at the end of two or three years."

It was on this understanding that the lease of the Bengal and North Western Railway company was renewed for another five years. It is more than four years since that debate took place, but we do not know what steps the Government have taken in that direction. I understand the Government would again come forward with the plea of want of funds. My simple reply is that the Bengal and North Western Railway is a going concern. It has paid a dividend of 15 to 19 per cent. during the last four or five years. If the Government floats a loan for this purpose, it will not be a loser in any way, rather the chances are that the loan would be repaid in the course of 14 or 15 years. Here I would read a few lines from page 27 of the Acworth Report which runs thus:

"Had the Government thought fit to borrow money even at rate considerably higher than the rate of net return that the Railways could earn on it, we believe its action would have been abundantly justified."

The report refers at the foot-note to the answer given by Lord Inchape in his evidence before the Acworth Committee. It runs thus:

"If I had a railway and wanted the money and saw the trade there, I should raise money even if I had to pay 7½ per cent. or 8 per cent."

Sir, what I beg to submit is that Government ought to take loans for the purpose even if it be at a higher rate of interest.

Now, Sir, I am not in a position to say anything as regards the working of the Madras and Southern Mahratta Railway but as regards the Bengal and North Western Railway, I can say something from my own personal experience. My opinion is quite contrary to what Sir Abdul Halim Ghuznavi holds, but my opinion is based on personal experience. Sir, since the last debate took place in this House, I feel that bribery has not in the least decreased. A goods clerk, in some of the important stations, makes a fortune in the course of four or five years. They have made a scale of their own, the rates of illegal gratification differing in different commodities. Unless one pays those illegal charges the goods would not be accepted; it does not matter even if the parcel is directed to the Commerce Member. If the Honourable the Commerce Member feels any doubt I would invite him to Muzaffarpore during May in the *litchi* season and to Pusa Road during August in the mango season. Let us take then the question of water supply in smaller stations. It is a very old grievance. During the last Session of the Assembly or the Bihar Council, I forget which, in reply to a question it was stated that a bucket of water is supplied to every train in the small stations. Now, Sir, would you believe that a bucket of water would be sufficient for an entire train in even the winter season, not to speak of summer when the needs of drinking water are greater? And this one bucket of water is brought one hour before the train time and it is allowed to bask in the sun, and this is the sort of water that is given to the passengers to drink.

[Maulvi Badrul Hasan.]

The second class waiting rooms in even important stations like Sonpur, Muzaffarpur and Darbhanga have no fans in spite of the fact that the said stations are electrified. The waiting rooms in smaller stations, where there are any, have no lights or water supply. The waiting sheds for third class passengers are worse still. They are unprotected from hot or cold winds or draughts of rain. You will not find a single bench in them and it is impossible for one to sleep in them during the night in winter and the day in summer. In most of the stations there is no arrangement for the inter class passengers. The arrangements for food in this line are no better. The Indian refreshment rooms no doubt keep a room for Muhammadans but in most of them there is no Muhammadan cook. Food cooked today is often supplied the next day, I hear the Indian refreshment rooms in our parts are in the lease of a railway official living in Gorakhpur.

Punctuality, Sir, is an exception in the Bengal and North Western Railway Company. You will seldom find any train reaching its destination at the proper time. Even the Lucknow Express, the fastest train on the line, is late by more than half an hour on five days out of a week.

The carriages in most of the trains are of the very old type. The cushions in the inter class of most of the trains are worn out and rickety. Lately the spring cushions of the second class compartments have been replaced by fixed ones.

There is one other important matter which requires consideration and that is the Sonpur Bridge. This bridge brings considerable profit during the Sonpur fair to the Railway Company. It was built long long ago and it has passed its economic life limit. It must have been shaken during the last earthquake. Some questions were put during the last Session of the Bihar Council if this bridge was going to be replaced by a new one and the reply was in the negative. Sir, this Railway Company hardly cares for the lives of the passengers from whose pockets the dividend comes. An example of this is the recent railway crash at Sagauli in the Champaran district of Tirhut.

As regards the staff I would simply say that they are a set of ill-educated and ill-mannered people. Their treatment to the passengers, particularly the third class passengers, is far from satisfactory. They have a free license to travel in the inter and sometimes in the second class and a single word "Railway employee" is sufficient to disarm any ticket collector. These are my reasons, Sir, for supporting this motion.

Mr. Satya Narayan Sinha (Darbhanga cum Saran Non-Muhammadan): Sir, representing as I do in this House a constituency through which the Bengal and North Western Railway runs, I think I owe a duty to myself and also those whom I represent that I should say a few words in support of the Resolution moved by my Honourable friend, Mr. Azhar Ali. Mr. President, perhaps you are not aware that the Bengal and North Western Railway is one of the most inefficient, notoriously miserly and awfully ill-managed Railway Companies in this country. It is impossible for anybody to enumerate the innumerable grievances of the travelling public which have the misfortune to travel by the said Railway and of the poor ill-paid employees of the Company. Sir, the less said about it, the better. My Honourable friend, Mr. Varma, has very ably catalogued the grievances of the travelling public and the employees of the Company, and I think I shall be wasting the time of the House

if I repeat them over again. Sir, we have been told that the Company has an enormous income and it has been able, in certain years, to pay 10 per cent. dividends to its shareholders besides building up a huge reserve fund. If Government take it in their direct control, I hope and trust, Sir, they will be able to balance their railway budget in no time by the profit of this Company. Besides the monetary gain, Sir, Government will earn the blessings of the millions of people in Bihar, and a large part of the United Provinces. I remember, Sir, very vividly when, in the year 1931, the lease of the Company was renewed and the information was made available to the people in our parts, who were very much shocked. This time, when people have come to know that a Resolution for taking over the said Railway Company by Government is going to be moved in this House, high hopes have been raised and they are praying for good sense to dawn on Government so as not to repeat the mistake of the year 1931. I will tell you, Sir, my own experience in this connection. Before coming to attend this Session, a large number of responsible people in Bihar asked me to see that they are relieved of the trouble of travelling by this wretched Company. I know, Sir, the employees of the Company are also praying alike. The Company is so rotten and ill-managed that, unless it is changed root and branch, a remedy here and the redressing of grievances there will not at all solve the problem.

In the last winter Session, my friend, Mr. Varma, and myself put a large number of questions concerning the grievances of the travelling public and its employees, and most of them, Sir, you disallowed on the ground that it was a private concern. What are we to do then? How to ventilate the grievances of millions of the people who travel by this Railway? Besides the travelling public and its employees, there is another large section of the people which have to suffer no less on account of this Company, Sir, I mean the poor cultivators of the part through which this Railway runs. In no other big railway company like this, I can challenge, Sir, you will find insufficiency of waterways which causes unspeakable devastation in floods and torrential rains which, since the last earthquake, have become every year's affair in North Bihar, once called the garden of India for its rich fertility. In the year 1928, when the rivers Ganges and Soane rose very high, several breaches were caused in the railway embankments between Patna and Arrah in the East Indian Railway, and I know they provided a number of waterways immediately in those places. But what happens with this Company? A large number of breaches are caused every year. Sometimes Government have to resort to firing, killing innocent cultivators who, for saving their lives and cattle, attempt to make an outlet on its embankments during high floods. Representations are made to the authorities of the Company, but they treat them with the usual contempt. I would like to give you an illustration, Sir, in this connection, which will be very amusing. Three bridges of this Railway in the district of Darbhanga, between Madhubani and Rajnagar, collapsed during the earthquake disaster. When those bridges were being rebuilt, their spans were very much shortened. People of the locality raised a great hue and cry, because, even the former bridges were not sufficient for drawing out the logged water of the area, and what would happen if their spans were shortened? The Chief Manager of the Darbhanga Raj and several other responsible people made representations to the authorities concerned, but to no avail. Last year, I also put several questions in that connection and the stereotyped replies

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Mr. V. V. Giri: I will take only two minutes. I consider that the raising of a loan is an easy proposition, and I would like to throw out a suggestion on behalf of the railwaymen of India. So far as the railwaymen of India are concerned, according to the latest information, the State owes them as provident fund assets to the extent of 42 crores; even taking the share of the employee to be 21 crores, as a pledge, I am sure it is not a difficult proposition to raise a loan, and I can assure you the railwaymen in India will be very glad to give that sum on the same conditions on which the Company-managed railways get 3½ per cent. guaranteed interest even if there are losses.

So far as the financial position is concerned, my Honourable friend Dr. Ziauddin has placed before the House facts and figures relating to the Company-managed railways pay their shareholders far more dividends than are paid by the State. So far as the Madras and Southern Mahratta Railway is concerned, that Company has been paying a dividend of nearly ten per cent. while the State is only earning five per cent. So also the Bengal and North Western Railway pays its shareholders to the extent of 18 per cent. Applying all these tests, it is not unprofitable to take over the management of these railways. So far as the Madras and Southern Mahratta Railway is concerned, the Company's share of the capital is 8.76 crores of rupees, and the surplus profits and earnings for the five years ending 1932-33 (I am taking the average figures) amount to Rs. 49.6 lakhs. If we, therefore, want to secure money to purchase this railway, even if we feel that we have to pay an interest of five per cent., which is not the case at the present moment, we can raise a loan on three per cent.—but taking into consideration even five per cent., the amount required will be Rs. 43.9 lakhs. Even that, Sir, will be a profitable proposition.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has exceeded his time.

Mr. V. V. Giri: I will take only two minutes. I consider that the raising of a loan is an easy proposition, and I would like to throw out a suggestion on behalf of the railwaymen of India. So far as the railwaymen of India are concerned, according to the latest information, the State owes them as provident fund assets to the extent of 42 crores; even taking the share of the employee to be 21 crores, as a pledge, I am sure it is not a difficult proposition to raise a loan, and I can assure you the railwaymen in India will be very glad to give that sum on the same conditions on which the Company-managed railways get 3½ per cent. guaranteed interest even if there are losses.

I do not like to take much more of the time of the House; but unfortunately, I have got many more points to speak about. I would only say this with respect to what my friend, Sir Halim Ghuznavi, has stated: he said: "Why should the State purchase these railways when companies are running it at a profit?" He must know that this nation is a living nation, and it has its sense of self-respect apart from financial considerations; and, as such, the Assembly stands for nationalisation of railways, nationalisation of industries and certainly of the railways; and therefore, we stand for that proposition; and, Sir Halim and others who do not feel as nationalists cannot understand the sentimental point of view from which this side of the House speaks, apart altogether from the financial considerations which are also sound. Under these circumstances, I heartily support this Resolution.

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, the history of this matter has, to a certain extent, already been placed before the House. So far as the Bengal and North Western Railway is concerned, and if it is any satisfaction to my Honourable friend, Pandit Govind Ballabh Pant, I might say that the R. K. Railway will be governed by the same considerations to a very large extent.

Pandit Govind Ballabh Pant: Thank you.

The Honourable Sir Muhammad Zafrullah Khan: . . . so that the fact that he could not move his amendment will really not affect the question very much,—as I was saying, so far as the Bengal and North Western Railway is concerned, as Honourable Members have already been told, a Committee was set up in 1931 consisting of Sir George Rainy, Sir George Schuster, Mr. Anwar-ul-Azim, Mr. Maswood Ahmad, Pandit Ram Krishna Jha, Mr. Azhar Ali, Lala Hari Raj Swaroop, Mr. B. N. Misra, Dr. Ziauddin Ahmad and Mr. Gaya Prasad Singh, and that Committee took due note of the fact that there was a very strong feeling among the public that the policy of Government ought to be the substitution of State management for Company-management generally, and that more particularly it was desired that an early opportunity should be taken to acquire the Bengal and North Western Railway. As has been explained to the House by certain Honourable Members this morning, the Members of this Committee, both official and non-official, however, were pressed with considerations regarding the financial situation, and they eventually recommended that the Secretary of State should make an attempt to come to some agreement with the Company so that it might be possible to terminate the contract with the Company at the end of 1937 or at some earlier period by giving a year's notice. A contract was entered into between the Secretary of State and the Company on the 8th December, 1932, securing to Government the right of acquiring the Company at the end of 1937 by giving twelve calendar months notice, and also, if the right was not exercised on that occasion, to purchase the interests of this Railway at the end of the year 1942 by giving twelve calendar months notice. My Honourable friend, Dr. Ziauddin Ahmad, has made some slight grievance of the matter that this additional option was also secured. He said: "We said in our Resolution that the Secretary of State should secure an option to purchase the Company at the end of 1937 or at some period earlier. Instead of that he has secured an option to purchase it either at the end of 1937 or in 1942." Really, Sir, I was not able to understand what his grievance was. I think Honourable Members will agree that it is certainly very much better to have two options than one. The whole question, as has been submitted to the House, is, whether the option should or should not be exercised on the first of these two occasions. Most of the speakers on this Resolution, with the exception of Sir Abdul Halim Ghuznavi and Sir Henry Gidney, have supported it. The attitude of the Government, which, I think I might explain at the beginning of the few observations that I have to make, is that they are, in view of the nearness of the date, seriously considering what ought to be done in respect of these two Railways with regard to which some decision must be taken in time to exercise the

[Mr. Satya Narayan Sinha.]

were given. And I would like to tell you, Sir, what has been the result of shortening the spans of those bridges. In the last two years' successive floods, the entire crop of the area was washed away. Such instances can be multiplied if we get time for them.

About its mismanagement, I would simply like to draw your attention to the accident which happened only this month at Sagauli, a graphic report of which you must have read in the papers and the memory of which must still be green. A goods train rushed into the building of the station, killing the Assistant Station Master and a number of other people. Such accidents can happen in this Railway alone. I know, Mr. President, for three years consecutively serious accidents took place between Laherasai and Samastipur railway stations in the district of Darbhanga causing the deaths of a large number of passengers. I admit, Mr. President, that it is really sickening to recount all the grievances and troubles caused by this Railway to the people. I would simply say, before I finish, that if the Government at all care for the safety of the lives and the convenience of the people of the area through which this Railway runs, they should lose no time in taking it under their direct control. The question of money should not stand in the way, Sir. Where there is a will, there is a way. Government can easily find the money if they have a will.

As regards Sir A. H. Ghuznavi's arguments, I have simply to say that I P. M. I would not take him seriously, because I know he represents a group—he is a typical representative of the group—which will always go against the popular opinion of the House, irrespective of the merits of the case. He is incorrigible, Sir, and I pity him.

With these words, I support the Resolution. (Applause.)

Mr. V. V. Giri (Ganjam cum Vizagapatam: Non-Muhammadan Rural): Mr. President, Sir, I rise to support this Resolution. No academic discussion is now necessary on this question of State *versus* Company-management. There was many a full dress debate both in the old Imperial Council and again in the Legislative Assembly from time to time before the Ackworth Committee published its report at the time when the State took over the management of the Great Indian Peninsula and East Indian and Oudh and Rohilkund Railways. The question before the House is this: whether notice of termination of contract should be given to the Madras and Southern Mahratta Railway and the Bengal and North Western Railway according to the terms of their agreement. That is the only question today. Firstly, Sir, the Government of India, in the Railway Department, have admitted the financial advantages and the great benefits derived from the State taking over the management of railways, and it would, therefore, be relevant for me to refer to the passages in the Railway Board's reports from time to time. In the Report of the Railway Board for 1925-26, they said when they took over the management of the East Indian and Great Indian Peninsula Railways as follows:

"As one result of the territorial adjustments referred to above there has been a large reduction in the number of junctions between different railway administrations in the north of India with corresponding economies of time and money in the matter of transfer of traffic and rolling stock from one administration to another. The number of junctions where two or more State-managed railway administrations meet has in fact been reduced from 18 to 7 by these adjustments. Each of the State-managed systems now serves a well defined geographical area."

Again, Sir, in the Railway Board's Report for 1927-28 at page 6, at the time of the termination of the contract with the Burma Railways Company, they stated as follows:

"After careful consideration, and having full regard to the views of the Government and the Legislative Council of Burma who expressed themselves in favour of State-management, it was decided, with the approval of the Secretary of State, to take over the Burma Railways for management by the State after the termination of the present contract with the Burma Railway Company on the 31st December, 1928. While the transfer of the line to State-management will entail the payment to the Burma Railways Company of a sum of £3,000,000, it is likely to result in an increase of about half a crore in net annual revenue to Government."

Again, Sir, in the Railway Board Report for 1929-30, when the State acquired the Southern Punjab Railway, it was stated:

"The line, of which the aggregate length was about 927 miles, now forms an integral part of the North Western Railway system; and apart from the administrative advantages gained from this acquisition, the financial gain is estimated to be an increase of some 47 lakhs of rupees in the net annual revenue to Government."

I would not like to trouble the House with many more statements of the kind made by Government in order to establish that the Government of India are convinced that it has really been advantageous to them to have taken over the management of those railways. This statement will equally apply to the railways that the Government are now asked to take. Secondly, Sir, when a question was put in this Assembly last year to Mr. P. R. Rau about the economies proposed by Mr. Pope on the Madras and Southern Mahratta Railway, and the Great Indian Peninsula Railway, he stated that unless the State took over the management of the Madras and Southern Mahratta Railway, these economies would not be effected. Thirdly, I would like to take up the question of Indianization. It is proved that, so far as the pace of Indianization is concerned, the State railways are far better than the Company-managed railways. With regard to stores purchase policy also, we see that Company-managed railways compare less favourably than State-managed railways. In the Report for 1933-34 it is said that while the East Indian Railway did not import even a rupee worth of goods direct, the Madras and Southern Mahratta Railway imported Rs. 80.76 lakhs worth and the Bengal and North Western Railway Rs. 2.38 lakhs.

Sir, I now take the point of view of workers. The workers of the Company-managed railways will be happier if Government take over charge of the Company-managed railways for this reason. If any dispute occurs, the workers of the Company-managed railways are in a very peculiar position. I am speaking from experience. The workers approach the Agent of the Company. He says he is doing a thing under the orders of the Railway Board. If we approach the Railway Board, they say it is the Company-managed railway and ask the workers to go to the Agent of the Railway. The workers of the Company-managed railways are thus driven from pillar to post. Even as regards grievances relating to conditions of service, when we place the grievances of workers before the Railway Board at the half-yearly meeting of the Railwaymen's Federation with the Railway Board, the latter repeatedly ask us to bring forward such questions as relate to Company-managed railways before the Agent

[Sir Muhammad Zafrullah Khan.]

option, if the option has to be exercised, before the end of 1936. Government, Sir, as I shall in the course of my observations explain, are collecting certain material which is relevant to the matter, and they are very glad that the House has taken this opportunity of expressing its views from different angles on this question. I assure the House that before Government takes any final decision in the matter, all the considerations that have been put forward or that may be put forward during the course of this debate, will be given their due weight.

Now, Sir, as I have said, there are some observations that I desire to make at this stage, with regard to certain factors that arise for consideration in connection with this matter and which will also have to be taken into account by Government before coming to some decision. With regard to the Bengal and North Western Railway and the R. K. Railway, which is at present managed by the Bengal and North Western Railway it might be taken roughly that the sum required for the acquisition of these two Railways, that is to say, the Company-owned portion of them, would be in the neighbourhood of twelve million pounds sterling. It has been said by almost every speaker supporting the Resolution that the money market is no longer as tight as it was at the end of 1931 or at the beginning of 1932, and that this Railway has been paying such high dividends to its shareholders that it would be an extremely advantageous proposition to go ahead with the purchase of this Railway. Now, Sir, there are one or two considerations that I do wish to put forward with regard to this matter before the House, and the one that I need refer to at this stage of the debate is the question of the high dividends. I will take up the general question of finances and the raising of finances a little later after I have made certain observations with regard to the Madras and Southern Mahratta Railway. The one matter that I wish to allude to at this stage relates to the high dividends paid by the Bengal and North Western Railway. No doubt, this Railway has been paying high dividends to its shareholders, but as was pointed out by Sir Abdul Halim Ghuznavi there is one explanation which we have also to take into account and that is that the dividends that are paid are not paid on the entire capital of the Railway. The entire capital of the Railway, so far as the Bengal and North Western Railway section alone is concerned apart from the R. K. Railway, is in neighbourhood of seven and a half million pounds sterling. Of this, one million three hundred and seventy five thousand pounds is debenture stock, of which four hundred thousand pounds carried a rate of three per cent. interest, and the remainder nine hundred and seventy five thousand pounds, five per cent. Out of the remaining, three million pounds is represented by preference stock equally divided between three per cent. and four per cent. stock, and it is only on the balance of three million pounds of shareholders' capital that these high dividends are being paid. Now, if Government proceed to acquire,—and I want to make it perfectly clear that I am not making points either in favour or against the acquisition, but am only laying the material before the House, indicating what considerations have to be kept in mind,—if Government acquire the Bengal and North Western Railway, they will have to pay a sum of just over ten million pounds sterling, and the then profits of the Railway,—and I say the then profits, as there are some considerations to which I shall advert with regard to the scale of profits after acquisition,—

the then profits will have to be distributed over the whole of this capital, and it is perfectly obvious that even if the ratio of earnings to expenses continues as it is, of which there is not the slightest chance,.....

Mr. S. Satyamurti: Why?

The Honourable Sir Muhammad Zafrullah Khan: I shall explain it presently, as I was saying it is perfectly obvious that even if the ratio of earnings to expenses continues as it is, of which there is not the slightest chance, the rate would be very much lower than it is at present. Now, it has been asked, why is it that you do not expect as high a rate of profits, as high a margin between earnings and working expenses as the Bengal and North Western Railway show at present? I think a good deal of the time that has been devoted to the discussion of this motion was devoted to pointing out the deficiencies of the Bengal and North Western Railway with regard to its rolling stock, with regard to accommodation, waiting rooms, service of water, and several other matters that contribute towards the comfort and the amenity of the people using the railway. And one obvious indication, and I have no doubt that when the State acquires it, it will be pressed to give attention to that matter, is that there must be a considerable amount of improvement in those matters. The argument, I suppose, is that inasmuch as the Company has refused to carry out these improvements, the State ought to take over the railway and carry out those improvements. That being so, I do not think the mere fact that the system is managed by the Company or is managed by the State is either a matter of satisfaction or a matter of dissatisfaction to any part of the House. I have no doubt that Honourable Members desire that a change in management should result in a change in these matters. These matters would require a fairly large amount of capital expenditure. I do not mean to imply for a moment that that should not be undertaken, but I do wish the House to realise that that has to be taken into consideration. For every crore of capital spent on any railway or on this railway when it is acquired there will be a liability in interest—place it as low as four per cent.—of rupees four lakhs a year. Then, it has also been pointed out, and there were one or two interjections by my Honourable friend, Mr. Joshi, to show that there was—I am not admitting it,—that there was a feeling that the condition of labour on this railway was not as good as it was expected to be under State management. That, again, is an indication that, if the management is taken over by the State, pressure will be brought to bear upon those who are responsible for such management to improve the conditions of labour of this railway. That means extra expenditure and, therefore, higher working expenses.

Let us look, on the other hand, as to how the position might stand with regard to the earnings of this particular railway. This particular railway, again, as has been pointed out during the course of the debate, has a comparatively low rate of fares as well as of freight. As Honourable Members have on several occasions pressed upon the attention of Government, the Pope Committee recommended that one of the methods of making any major savings in the working expenses of railways would be by means of amalgamation of the various systems. One of the considerations applying to this railway also is or may be that, if it is taken over, there might be some chance of its amalgamation with the system.

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of the Eastern Bengal Railway and that both might be worked together. As compared with the Eastern Bengal Railway the rates and fares operating on the Bengal and North Western Railway are low, almost throughout, article for article, or class for class of passengers. That being so, it is still a problem of what is likely to happen. Will the pressure upon the department be that the rates and fares on the Bengal and North Western Railway should be raised to the level of the Eastern Bengal Railway, or will the pressure be in the other direction—that it is undesirable that the Eastern Bengal Railway fares should continue to be higher than those that were in operation on the Bengal and North Western Railway before it was acquired by the Government? Government have already undertaken an examination of these two aspects of the question, that is to say, one, the increase in working expenses that may be expected by transfer of this railway to State management, not only on the Company's section of the railway, but also on the Company-owned portion of the R. & K. Railway, as I have said, both those are bound to go together; secondly, an examination of the possible increase in revenue to counterbalance the almost certain increase in working expenses, that may be achieved by increasing rates and fares. The House will realise that a detailed estimate of these factors would be absolutely necessary before Government could make up their mind with regard to the acquisition of this railway. Those are not however the only considerations that would govern the question.

Mr. Muhammad Azhar Ali: Knowing that the agreement is about to terminate, that is, in 1937,—why did not Government calculate and collect all these facts and figures?

The Honourable Sir Muhammad Zafrullah Khan: Government are collecting them in advance. Notice has to be given at the end of this year and Government hope that their figures will be ready long before the time arrives when notice has to be given. Then, another consideration that must be kept in mind with regard generally to all railways is that the general position is uncertain in several respects. To mention only one, the position that might develop with regard to road competition with the railways. That is another consideration which is not likely to manifest all its tendencies within the course of the year, but it has to be watched because otherwise the position will be this. If notice has to be given at the end of this year and is given, so far as the Company is concerned, it will be entitled to receive the largest capital payment that it would be entitled to at any time, at no subsequent time would it be entitled to any more. But Government, on the other hand, would be investing the taxpayer's money irrevocably, about £12 millions of it, at a time when, if there is going to be any serious deterioration in the earning capacity of these railways, the risk must be entirely Government's and will cease to be the company's risk. In the meantime, however, Government do recognise that there is very widespread discontent with several features of the Bengal and North Western Railway, rolling stock and other amenities, and though nothing spectacular is being done at the moment, the Railway Board are continually pressing upon the attention of the Bengal and North Western Railway the necessity of amelioration in this position. With regard at least to third class rolling stock, and more particularly, with regard to

lavatory accommodation in third class carriages some improvement has been undertaken and is taking place, and the House may rest assured that, whatever the period which might elapse between now and the time of the acquisition of this railway, the Railway Department will continue to do all that is within their power to press the company to provide or to improve these amenities.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan: Rural): The Railway Board are practically powerless.

Sir Muhammad Zafrullah Khan: Not entirely. A word two with regard to the Madras and Southern Mahratta Railway. I am very happy to see that nothing very much has been said with regard to the actual comforts or amenities that are provided on this Railway and I assume that the position here is certainly not the same as obtains on the Bengal and North Western Railway. Here the obvious course of making further economies would be an amalgamation with the South Indian Railway Company, a proposition which appears to be, on such examination as Government have made of the situation, entirely feasible, but the difficulty with regard to this matter is that the South Indian Railway contract would not in the ordinary course terminate till the end of 1945. Government are, therefore, faced with the situation that the main consideration for the acquisition of the Madras and Southern Mahratta Railway would be the effecting of economies that might result from an amalgamation of the system with the South Indian Railway but there is this difficulty with regard to their contracts. We are entitled to give notice for acquisition with regard to the Madras and Southern Mahratta Railway at the end of 1936, or at the end of any subsequent period of five years so as to acquire it at the end of 1942, or 1947, and so on. With regard to the South Indian Railway, the chance of acquiring it does not occur in the normal course before the end of 1945, so that there are various positions which arise with regard to an adjustment of this disparity between the two dates and Government have under consideration several schemes, the adoption of any one of which might give the desired result. One course which requires exploration is the course that has been urged today, that notice should be given at the end of the year for the acquisition of the Madras and Southern Mahratta Railway at the end of 1937, that it should be taken over as a separate system as it now exists and run as a separate system and that we should wait for the acquisition of the South Indian Railway in the normal course at the end of 1945, and then amalgamate the two. Another alternative would be to extend the contract with the Madras and Southern Mahratta Railway till 1945, that is to say it might be made co-terminous with the contract of the South Indian Railway, on condition that the two railways should amalgamate and that then the amalgamated system might be acquired at the end of 1945, on such terms as may now be settled when one contract is made co-terminous with the other. A third consideration is that the Madras and Southern Mahratta Railway might be acquired in 1937, and that the South Indian Railway might be acquired, by private negotiation, also at the end of 1937, and then an amalgamation of the two might be carried into effect.

Mr. S. Satyamurti: That is the best.

The Honourable Sir Muhammad Zafrullah Khan: An attempt of that kind has this feature, that a higher price would have to be paid for the South Indian Railway stock than would have to be paid in 1945. We are collecting material on that subject to see whether it may not be preferable to adopt that course rather than wait till the end of 1945. There is yet another method of bringing about the desired result and that is to acquire the Madras and Southern Mahratta Railway at the end of 1937, and to hand over its management to the South Indian Railway and then to adjust the question of the distribution of surplus profits.

Prof. N. G. Ranga: That would not satisfy anybody.

The Honourable Sir Muhammad Zafrullah Khan: As I have said, these are the various matters engaging the attention of Government. There has been some indication, as I have been making these observations, from some parts of the House that it would be extremely desirable to bring about a solution of this question. I think preference from the opposite side has been shown for a method by which, at the end of 1937, the Madras and Southern Mahratta Railway might be acquired and the South Indian Railway might be acquired by private negotiation. However, financial considerations will really rule the situation so far as this aspect of the case is concerned. Then there are the general considerations to which I said I would revert later in the course of my observations. In regard to this I think it is not only the financial situation that has to be considered. The constitutional position has also to be considered. Now the dates, as Honourable Members are fully aware, are the end of 1936 for coming to a decision as to whether notice should or should not be given and the end of 1937, for the purpose of making payments. The amount required will be with regard to the Bengal and North Western Railway together with the Rohilkund and Kumaon Railway something in the neighbourhood of 12 million pounds and with regard to the Madras and Southern Mahratta Railway 5 million pounds, that is to say a total of 17 million pounds. As I have said, the constitutional position has also to be regarded and the constitutional position is this. To begin with, these dates indicate that the taking over of these two railways, in case a decision is made in favour of their acquisition, will almost synchronise with the setting up of the Federal Railway Authority and one consideration, which is very relevant and which has to be given its due weight, is whether it would be fair at the time of setting up the Federal Railway Authority to face them with an accomplished fact with regard to these two contracts and that they should be presented, as their very first task, with the question of the transfer of very large numbers of staff to State-management, the question of a smooth transfer between the companies and the State and the question of an amalgamation at both ends of India between different railway systems. I do not suggest that would be a consideration which would necessarily preclude considering the question of acquisition. However, there is that aspect of the matter to be considered. Another matter which is also affected by these constitutional changes is the question of the raising of this money. With regard to the rates of interest, it has been pointed out that the rates of interest at present are very low as compared with the rates at which money was obtainable at the end of 1931, or the beginning of 1932. That no doubt is correct, but money has not to be raised today. The decision with regard to the

acquisition of these railways has to be made before the end of the year but if the decision is to acquire these railways, the money will be required towards the end of 1937, and it would require either a very rash or an abnormally intelligent financial brain to predict as to what the state of the stock market is going to be at the end of 1937. Again, as I say, it is a matter to be considered, whether Government shall undertake a liability to the tune of 17 millions at the end of 1936, which they have to fulfil at the end of 1937. That is another uncertain feature but let us assume that the decision is that these two railways are to be acquired and that 17 million pounds has to be provided. The payment has to be made in sterling in England and it can only be done either by borrowing the amount in London or by raising the amount in this country. The latter might be done either by direct Government issue or, as was suggested by Dr. Ziauddin, by the flotation of a company which might take over these companies for the time being. If the amount has to be raised in England, the dates are again relevant, that is to say, the amount which will have to be raised towards the end of 1937. That will be what is known as the transitional period under the Government of India Act of 1935, and borrowing then would be governed by section 315 of the Government of India Act in Part XIII of the Act which deals with the transitional period. That section lays down that during this transitional period there shall be no borrowing by the Secretary of State in the London market except under the authority of any East Indian Loans Act which might be passed by the British Parliament and within such limits as might be laid down by Parliament in that Act. Therefore, it would involve the Secretary of State having to secure very large borrowing powers from Parliament and Parliament would naturally have to scrutinize the purposes for which the amount would be spent—another matter to which due regard must be paid. On the other hand, it was suggested that the money should be raised in India at that time either by a direct Government issue or by debenture stock or by the flotation of a company. Whichever method is adopted, it necessarily means that after the money has been raised, or when provision has been made for the raising of the money, arrangements must be made for the acquisition of an abnormal amount of sterling for the payment in London and these exceptional transactions, even if they are not in themselves impracticable, might, if they entailed a tightening of the market, prove very embarrassing for the Reserve Bank as well as detrimental to the economic stability of the country. I again do not say that that is bound necessarily to happen but I do say that that is another consideration which has to be kept in mind. Some of these difficulties are bound always to exist and, therefore, that again is a factor to be considered, *viz.*, that, if there are some features of the situation which have to be faced in any case, how are they to be co-ordinated to the existing situation so that a thing which has got to be faced in any case is not allowed to stand in the way as a permanent obstacle? As I said in the beginning, my object in placing these observations before the House was merely to put them in possession of the considerations which Government has to give due regard to before they arrive at their decision. Well, Sir, at this stage this is all I have to submit for the consideration of the House and I will repeat again that the attitude of Government with regard to this matter is that they have not at all one way or the other made up their mind; that they must make up their mind in the course of the next few months; they are collecting information on such matters on which information is available; and, in

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In addition to the considerations which other Honourable Members have placed before the House, there are those additional considerations which I have ventured to submit for the consideration of the House which must be taken into account before a decision is arrived at. And I say again, Sir, that the Government are very glad that the House has taken this opportunity of expressing its views on these matters so that Government will have those views before them when they arrive at a decision.

Dr. Ziauddin Ahmad: Will you consider the desirability of taking the

Assembly into confidence before arriving at a final decision, 3 P.M.
either by moving a Resolution in the Assembly or by consulting a committee, as was done in the year 1931?

The Honourable Sir Muhammad Zafrullah Khan: I have already observed that I am very glad that the Members of this House have taken this opportunity of placing their views before the House so that Government might consider them before they arrive at a decision; and if there are any further matters which Honourable Members think are relevant and which Government ought to take into consideration, I have no doubt that during the remainder of the debate they will place them before the House.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan: Urban): May I ask a question? Does that mean that the House will not again have an opportunity of being consulted in this matter, and that Government will take a decision in the matter independently of the House,—leaving aside today's discussion?

The Honourable Sir Muhammad Zafrullah Khan: Sir, Government notes that the House, subject to whatever course the debate may take finally, so far as Honourable Members who have spoken so far are concerned, is pressing upon the Government the necessity of acquiring this Railway. I think the House has very clearly expressed its views. If my Honourable friend means that Government should come up before the House and say: "Here is the material collected, now let us resolve into a Committee and decide this question finally", I am afraid that is not the position.

Babu Kailash Behari Lal (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): Sir, I rise to support this Resolution; but, before I do so, I should thank the Honourable Member in charge for whatever sympathy he has been able to show to this Resolution. I feel bound to support this Resolution, Sir, because some portion of my constituency is covered by the Bengal and North Western Railway. The notoriety of this Railway is so well-known that it hardly needs repetition. Each word of its name represents its bogus character. First of all, Sir, not a single mile of its line runs either through Bengal or the North-west province of India now. It will amuse you, Sir, how amongst the masses its name is interpreted in the vernacular. The "B. N. W. R." is known as *Behuda Nalak and Wahiyat*. (Laughter.) This is how it is popularly interpreted in the vernacular in our parts. The Honourable Member, in opposing the Resolution, has enumerated the comforts and cheapness provided to the passengers. Really, Sir, the Honourable Member was

speaking in a superlative degree about everything cheapest provided by the Bengal and North Western Railway Company. But I may add that the Company considers "human life" the cheapest. (Hear, hear.) Perhaps nowhere railway accidents would be so frequent, and the loss of human life so appalling, as on this Bengal and North Western Railway. We have been informed about its good management, as the shareholders get a dividend every year. But this is the very reason why the charge of mismanagement is levelled at the head of the manager of the Company. Sir, the dividend is not the only test of good management. This is rather the reason why the management should be taken over from the Company, as the State is likely to look, not only to the dividend, but to the other aspects of the management, of which the public comfort is not the least important. Then, Sir, the Railway has played a very important part as an agency for civilization. But this Bengal and North Western Railway, through whatever part it runs, has created very little impression on account of its utter wretchedness. Sir, most of its station buildings are not better than even the latrine sheds provided by the East Indian Railway stations. (Laughter.) The station platforms bear equally a most wretched appearance. Then, to crown all, the corruption rampant amongst the employees is proverbial. I am tempted to narrate instances of corruption, but I think the subject has been sufficiently dealt with, and I should not encroach upon the valuable time of the Assembly. With these words, Sir, I support the Resolution, as, in our part of the country, it would be very much against our interests if the Railway were to continue to remain under Company-management.

Mr. M. Ananthasayanam Ayyangar (Madras Ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, we have been treated to very lengthy arguments on the pros and cons of State-management of these railways. I would only give one answer to all that has been said by the Honourable the Commerce Member, *viz.*, that where there is a will, there is a way. (Hear, hear.) Sir, these are not the obstacles which cannot be surmounted, and I am really surprised that the small obstacles mentioned, are magnified to large proportions, and even to this day the Government are not prepared to say yes or no. Sir, the Honourable the Commerce Member has been dilating at length on the various difficulties, but he has not suggested to us how those difficulties can be cleared up in the course of five or six months and what further additional information is necessary to clear up this ground and make it possible for him to come to a decision either in the affirmative or in the negative. I would first say that the constitutional bogey and inconvenience trotted out is an absolute myth. Far from the constitutional changes standing in the way. I would say, it might certainly help towards working these railways, when they are taken up under State control, in a much better manner, than they are being managed by the companies. When the Federal Authority comes in, the Honourable the Commerce Member is afraid that children ought not to be allowed to play with swords.

The Honourable Sir Muhammad Zafrullah Khan: I say—let them fashion their own swords, instead of our giving it to them.

Mr. M. Ananthasayanam Ayyangar: All that we want to say is, let them not fashion any sword at all. I am afraid the Honourable the

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Commerce Member is a little pessimistic. I do not know where he will disappear when the Statutory Railway Authority comes into being. He will certainly be there in one capacity or another. If he is single-handed and unaided today, he will have in future the wisdom of the Railway Authority that is being shaped into existence.

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

Therefore, far from it being a handicap, I am confident, it will serve a very useful purpose. By a change in the constitution, the staff controlling the Company-managed railways would not disappear from the spot. They would certainly be transferred to another control. So even there with respect to the staff I cannot understand how any such inconvenience will arise. Therefore, it is idle to contend that the change of management from a Company to the State would be a source of serious embarrassment to the Railway Authority that would come into being, if such a huge problem as managing some two or three more small railways are added on to them. Well, Sir, the policy of State-management was started so early as 1923 and I find that some of the biggest railways have been taken under State-management. One Honourable Member on the other side says that State-management is so bad that we must go back to Company-management or in the case of the railways which are at present Company-managed, we must continue their management. I have been noticing the Honourable Member sitting on the other side in his attempt to applaud the present Government sometimes finds argument against this Government. I was wondering if he would not say some day that before the new constitution comes into being, let us go back to the days of the East India Company management so that the Company would manage and govern India better than the present Government. I am yet to hear such an argument. I will not be surprised if such an argument is advanced by that Honourable Member so that the Government in this country would hereafter be managed by Honourable Members sitting on the other side with, of course, one seat on the Directorate for the Honourable Member who has spoken just now. I venture to say that his speech was absolutely reactionary. I would say, it is far from advancing the interests of the country at large, far from advancing the interest of the passenger traffic and even far from helping the interest of the political status and position of this country. Therefore, I would dismiss the very idea of allowing the continuance of the Company-management or words to that effect which have fallen from the lips of the Honourable Member who has been so anxious to depict the Company-management as good. Even the Honourable the Commerce Member has not said one good word with respect to this Company management. He assumes the Company management is bad but says it might be accepted for the present and he builds thereon the argument that if the management is changed, that will involve an additional burden indirectly to the taxpayer, or an additional expense by way of capital outlay and there will be so much of work that has to be started immediately on taking up the management. I say, it would always be there, whether in 1937 or in 1941 or even whether in 1958. The same difficulties are bound to be there always. Therefore, that is no argument for saying let

the Company go on managing the line, let the passengers who travel by that line be treated little better than dogs and animals, if not as goods. Let them be put into the carriage through one way and let them drop out through the latrine or through the shutters which have no bolts and in the act let the people get their heads broken or limbs maimed. That is no argument which will be accepted by any reasonable section of this House. I would, therefore, say, as regards the Company-management, that, even the Government has not one good word to say. It is, therefore, accepted that the Companies are not managing the lines properly. I was wondering what to say of the Railway running in my part of the country, namely, the Madras and Southern Mahratta Railway which runs over a mileage of 3,229 miles. I could not find more adequate words than those which were used with respect to the Bengal and North Western Railway. I would respectfully invite the Honourable the Commerce Member to come to one of our third class compartments. The compartment is so small that even a dead carcass cannot be kept intact, tied hand and foot, for even one hour there.

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): Then, how can you have a live Commerce Member.

Mr. M. Ananthasayanam Ayyangar: That is why I hesitate to invite him there. The seats are so bad. I may say that even a carcass, if placed there, will certainly get revived into life because the innumerable bugs prevalent there are so clever that they will infuse good blood into the carcass from the stock of rich blood that they have drunk from live persons, who were travelling in the compartments. The latrines and other things are absolutely unsatisfactory. There is no light in the carriages and the carriages are very rickety. On account of these defects, the railways are losing their passengers. I do not know whether there is so much of bus competition with the railways in any other part of India as there is in my part of the country. I shall give only one instance, that is between Katpadi and Chittoor, in my part of the country. The railway line between these two places is managed by the Madras and Southern Mahratta Railway. The fare for third class was something like eight annas for a distance of 18 miles. Owing to bus competition, the fare was reduced to six annas and again to four annas. Still the railway is suffering from the competition. Why? The facilities provided by this Railway are so excellent that the passengers would much rather risk their lives in motor buses and entrust their lives to novice motor drivers in preference to sitting in the railway third class compartment only to be eaten by bugs together with the risk of letting their children fall out of the train for lack of bolts to the doors. These are the sort of inconveniences we are suffering from! Yet the Honourable the Commerce Member would say live until 1941 when you will certainly be revived into existence, or if by that time you disappear, we will somehow find some cause or method of bringing you back into existence. These are the inconveniences we suffer in the railways.

One word about the argument of not being able to find money today and even if money should be obtained today we do not know what would be the rate of interest in 1937 or in 1941. I would only characterize this as a want of spirit of enterprise in the Honourable the Commerce Member. Miss Amy Johnson flew from England to Australia and when

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she fixed up her programme to take off, she was told that the weather was bad and she was advised to change the date of her departure. She replied: "If the weather is bad here, if there is lightning and thunder here, it may not be bad fifty miles away, and, in the same way, if the weather is clear here, it may be bad fifty miles away or all through the way to Australia." Therefore, if the rate of interest is not going to be determined today as to what it will be in 1937, I do not know how the Honourable the Commerce Member expects that in 1941 or in 1942 or in 1947 or in any other quinquennial period that may come hereafter, he is going to find the interest much cheaper than what it is at present. I submit, Sir, we are in a hopeless depression now so far as money market is concerned. I may inform the Honourable the Commerce Member if he is not already aware of it, that there is absolutely nothing like private lending in this country. It has absolutely disappeared. I can assure him with respect to the conditions obtaining in my part of the country that private lending has disappeared partly with the passing of the Insolvency Act and partly with the coming of the new Act on the Statute-book, namely, the removal of the arrest section from the Civil Procedure Code. With respect to the Co-operative Society it is a child which is not cared for either by the Government on the one side or by the non-officials on the other. There is too much of interference or too little of it and, therefore, the Co-operative Societies are one after another getting into liquidation. Therefore, the only course open for people who do not know what to do with their money is that they build houses in towns so that they might get some rent. This is the way in which there is ample money in my part of the country. If only the Honourable the Commerce Member has the courage to float a loan now, I may assure him that within less than five minutes it would be over-subscribed. Only recently there was the instance of the shares of the Reserve Bank getting over-subscribed to twice the extent. I would ask the Honourable the Commerce Member or even the Honourable the Finance Member, whom I do not find in his place, whether it is not a fact that the Reserve Bank called for five crores and that the shares were over-subscribed to the extent of nine crores with the result that they had to cast a lot to allot shares. If money is here so readily available why not straight-away get into the country and then try to relieve the several Co-operative Societies some of which still command the confidence of the public? I know the rate of interest that is allowed for fixed deposits within a year or a year and a half is not more than $3\frac{1}{2}$ or 4 per cent. That is in the mofussil parts, not to speak of the ease with which you can get money here. Just the other day a loan of 500 million dollars was raised in the United States of America at a rate of $1\frac{7}{8}$ per cent. per annum. Two years ago they raised 2,000 million dollars for relieving unemployment in America of ten million persons at a very low rate of interest. If that is the case in other countries, I can assure the Honourable the Commerce Member that it is not worse in this country. Money will flow in, and, if there is any difficulty, people from other parts of the world would be too willing to subscribe. Therefore, Sir, it is now time for the Government of India to make up its mind. There are absolutely no difficulties, as were mentioned by the Commerce Member, which are insurmountable. If there are difficulties they are not to be solved by thinking over them for a month or a couple of months. Whether today or in the year 1941 notice

has to be given. You always have to take stock of what may happen a year hence and you have to keep a margin for the time that is yet to come. We are still recovering from a depression and I am not confident that we are recovering altogether. But if it is easy to find money now, you may not be able to get it a few years later. Therefore, I would say, terminate the contract soon. Then as regards exchange. If money has to be paid away to the Company, the Commerce Member found that there was some difficulty in procuring sterling of the value of nearly 18 million pounds. The Finance Member is again and again saying that he is not prepared to monkey with the ratio, that he is wedded to it for all time to come. I wonder that all the intelligence and ingenuity of Government is not able to solve the problem when such a beautiful ratio as 1s.-6d. has been placed on the Statute-book. I would further say that the huge amounts of gold that have been going year after year would solve the problem. There is so much of sterling securities which can be easily paid away.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already spoken for 15 minutes.

Mr. M. Ananthasayanam Ayyangar: I will finish in five minutes. I will, therefore, say that the market is cheap, the market is available, and the people who have money might be helped by being allowed to subscribe towards the shares and debentures of the loans that may be raised. Already we have raised 780 crores for the purpose of railway administration. The administration report says that the lines that they work are the property of the State; the greatest part of the capital is the property of Government. If future capital is necessary Government has to raise it, or otherwise, with the permission of Government the Company may raise it. All the contracts are terminable at the option of the Secretary of State. And in the Company, working in the part from which I come, $11\frac{1}{2}$ millions belong to the State, and five millions belong to the Company. And to find five millions is not an insurmountable difficulty. Therefore, the question of money ought not to be allowed to stand in the way of wholesale progress and development. The policy settled has to be pursued. So far as the Madras and Southern Mahratta Railway is concerned, I find from the working capital, earnings, receipts and expenditure that it is the fifth or sixth railway working in this country and the mileage is 3,000 miles. I would say that no difficulty stands in the way.

Certain apprehensions were raised by Sir Henry Gidney, if there be a change of management, but they are not proper apprehensions. Evidently he apprehends that the favouritism that is shown to certain sections of the Indian community may not be allowed to stand when the State takes over the management. He has to live with us and I do not think there need be any such apprehension.

As regards trade we find again and again.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must conclude his speech now.

Mr. M. Ananthasayanam Ayyangar: The rates and fares, in spite of various Resolutions, have not improved, and, in these circumstances, I whole-heartedly support the Resolution.

Pandit Govind Ballabh Pant: Sir, I was hoping that it might not be necessary for me to intervene in this debate, and that is the reason why I did not avail myself of the opportunity that you were pleased to give me in the morning. The speech of the Honourable the Commerce Member, however, though marked with his usual lucidity, was not reassuring, if it was not positively disquieting. The sting of it lay particularly in its tail. It is my complaint that while stating that Government were prepared to consider the question in its various aspects and were engaged in collecting information, the Commerce Member was in fact unsettling a settled fact. Government had already decided, according to the Resolution of this House passed in October, 1931, that they would acquire both the Bengal and North Western Railway and the Rohilkund and Kumaon Railway at the latest by the 31st December, 1937. The Resolution gave option to Government to acquire earlier if they so chose,—any time between 1932 and 1937. But in no case were they given the option of putting off the acquisition beyond the 31st December, 1937. But today the Honourable the Commerce Member tells us that the question is still an open question. They are still giving thought to many considerations, and, as the date of notice will never at any time synchronise with the date of payment, therefore he will never be able to make up his mind whether to acquire the railways or not to acquire. That, Sir, is my complaint, and I do submit that it is playing with the decisions of this House. The Honourable the Commerce Member has probably his sympathy with us. He, I hope, is inclined to help the cause of acquisition, but that is not enough. Are not the decisions of this House, to which Government themselves happened to be a consenting party, to be respected by Government themselves. That, Sir, raises a large question of principle.

Sir, the question of State *versus* Company management is a very old one. I would only be wasting the time of the House by dilating on the relative merits of this issue as it has been discussed threadbare on innumerable occasions on the floor of this House as well as outside. The Ackworth Committee, followed by the 1923 Resolution and the clause that is included in the Resolution which now forms the basis of the railway administration of 1924, finally settled the matter. So far as these particular railways are concerned, the Resolution passed in 1931 left no room for vacillation or dilatoriness. The Honourable the Commerce Member asks us "Are not two options better than one? When the Secretary of State arranged with these companies that the Government might exercise an option in 1937 and again, if they so chose, in 1942, what was wrong about it?" My submission is that the mischief lay in the attitude of the mind which lay in the background. It indicates an attitude of unfriendliness towards the proposal. It indicates an attitude of indecision up to the end, and it indicates a tendency to put off the evil day by five more years if it could not be put off for the next 50. So I submit that after this House had definitely decided that these railways should be acquired as early as possible and in no case should the date of acquisition be postponed beyond the 31st December, 1937, the Secretary of State should not have been a consenting party to any option, to any arrangement that would delay the consummation of the arrangement beyond the stipulated date, i.e., the 31st December, 1937. We are told that money may not be available then. I do not know whether the Honourable the Commerce Member accepts even today that it is easy enough. He says: "How can we arrange to get such a colossal sum of 17 million

pounds?" Does he not know that the Government, of which he is a Member, have raised more than 17 million pounds a year to cover up the deficits in their budgets from year to year? If he were to look into the accounts of the last six or seven years, he will find that the Government actually raised about 100 million pounds, and that only to cover up their own deficits. So it is not such an unmanageably exorbitant amount as he seems to assume. Does he not know that even last year a loan of 10 million pounds at three per cent. was raised on behalf of the Government of India in England against the unanimous protest of the people and the financiers of this country? Does he not know that the rate of interest has come down to three per cent., and, last year, 15 crores were raised at three per cent. about which the Controller of the Currency observes that it was an unusual phenomenon and that nothing like this had happened since the year 1896? Does he not know that for the last two years the bank rate has been steady at three and a half per cent.? Does he not know that the Post Office Savings Bank rate has been reduced to two and a half per cent. and that of cash certificates to three per cent.? I would not belabour this point still further, but I would ask him to refer to the report of the Controller of the Currency and other books on the subject, and then he will feel satisfied that this is just the time when money can be raised. He tells us: "But how can you assure me that it will be so on the 31st December, 1937?" This difficulty does not exist in reality. It can be met in various ways. I might suggest to the Benches opposite one simple way out. I might say: "If you are serious about this business, why do you not arrange it with the Company, let them have the money now, ask them to pay you three and a half per cent. for the interval and then have the account settled completely after the interval when the acquisition will have been completed." There would be other ways perhaps which might be suggested. But I would not tread on that delicate ground. Perhaps it is the monopoly and preserve of better heads opposite and they would resent my intrusion.

Sir, I am really sorry that the Honourable the Commerce Member should treat this still as an open question. He says that the Statutory Railway Authority should not be burdened with two novel encumbrances at its very birth. I wish its birth were a still birth, but that is beyond my province. But is he serious about it? Does he really mean that the addition of these two small lines to the vast network of railways in this country will upset the equilibrium and make things unmanageable for the great Statutory Authority?

Then, the Commerce Member tells us that it may not be equally profitable. I do not mind it; I am prepared to accept that, when we want the management to be taken up by Government, we expect that all persons, even if they be black or brown, will be treated by at least the Honourable the Commerce Member who happens to belong to our own community, as men, and not as brutes, and in that hope it is that we are pressing for the transfer of the control of management from the Company to the State. It is just possible that the expenses may go up, but I can tell him that there are various other ways by which the gap could be filled up and bridged. The other day—I cannot find a better authority than Dr. Ziauddin Ahmad for the remark that has been made—~~he said~~ here on the floor of this House that a station master getting Rs. 100 per mensem at Chauri Chaura had been earning by illicit means Rs. 2000 per month. If this is the state of affairs prevailing in the Company,

[Pandit Govind Ballabh Pant.]

proper management can certainly lead to a considerable addition in the income and the revenue that these Companies are capable of yielding, and, if properly managed, can legitimately yield. So, whatever the additional revenue, it will be more than covered. I can say this from my own experience. I have seen, Sir, passengers travelling along this route being given tickets at the last station just before the terminal station, the rest of the money being kept by the guard and the tickets being handed over at the terminal station, not by one or two, but by scores of travellers, and not once or twice, but day to day and again and again, except when I myself happened to travel in the train, for when I saw it for the first time, I could not control myself. I told the guard that whichever be the Company, whoever be the shareholders, I could not possibly be a witness to practices of this sort being committed before my very eyes. After that day, I did not see the thing being repeated, but I know that it did go on and is being continued to this day. So if the State takes over, if there be a rational system of administration, I have every hope that the expenses, though they will rise up, will be covered by the additional income that will be earned by means of, and in consequence of, a sympathetic, rational and fair system of management. Sir, in these lines and in these Companies, part of the capital is even now owned by the State. It is an anomalous system; in fact, as my Honourable friend to the left reminds me, the bulk of the capital is owned by the State. So far as the Rohilkund and Kumaon and the Bengal and North Western Railways are concerned, there are certain lines which are exclusively owned by the State, but of which the management had been leased out to these Companies. Is it fair that the Company which does not own the line and whose interests are in fact limited only to a very small part of it should boss the whole show and enjoy a profit of 15 per cent.? It was some years back as high as 19 per cent., I may inform the House. The Honourable the Commerce Member told the House that there are certain items on which interest is being paid only at 3 per cent. Let me assume that it is so. Still, when we can borrow money at 3 per cent., so far as those items are concerned, the interest which the Government will have to pay on the loan will not be more than what is being paid on account of the money that will be liquidated thereby today. So far as the other items are concerned which are earning today 12 or 14 or 15 per cent. the Government will be making thereby a saving of 9 to 12 per cent. On the whole, taking the entire system into account, there will be a net saving; and, at a time like this, when the railways are gradually sinking into a deadweight, any Government should have pounced upon such an opportunity in order to save the situation. When the railways on the whole are proving a losing concern, it befits the Government if they want to save the situation and to give an opportunity to the blessed Railway Authority to make a start under good auspices, to acquire for them some of these lines which are really profitable and which will contribute to a certain extent towards the diminution of the amount of loss and deficit which the entire system is entailing today. I will not go further into details; but I will warn the Honourable the Commerce Member that, so far as this House is concerned, it has finally settled that these railways should be acquired by the Government before December, 1937. So far as the Government are concerned, they are bound by their definite solemn undertaking and promise that they would do so, before 31st December, 1937. So, whatever

be one's view about the honesty of the Government of India, as it is constituted today. I hope that in this case at least they will not have the audacity to defy and resile from the unanimous verdict of this House, backed as it was by their own solemn pledge and undertaking.

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

Mr. President (The Honourable Sir Abdur Rahim): Does the Mover, **Mr. Azhar Ali**, wish to reply?

Mr. Muhammad Azhar Ali: Yes, Sir, I have listened with very great patience to all that the Honourable the Commerce Member said on this Resolution of mine. It was indeed a lecture to school boys to tell us at this late hour that these are the hitches, these are the difficulties, and these are the matters which we have still to consider: I think it does not teach us anything—on the other hand, it is a sort of disappointment to all of us here. I was a member of that Committee in 1931. I know how favourably inclined Sir George Rainy was to our proposals in that Committee; and, I am sure, that although the Honourable the Commerce Member is in every way sympathetic to the acquisition of these Railways, for certain reasons, which may be behind perhaps, he is not able to come to a definite conclusion about this Resolution at this time in the House. For the Honourable Member to say that it will be difficult to get Parliament to sanction for certain loans, because, under the Statute, we cannot do it at present, my submission is that we have great credit in England at present for sterling loans, and I do not see any reason why we cannot take advantage of it, or at least float a loan in India itself. This is a demand which Indians have been making for a very long time, and I do not see why we should go to England for a loan of this kind. Why should we not have debentures floated or some other means which the Government of India themselves can very easily find out? The export of gold has not been stopped; it has gone up to perhaps more than 270 crores. Under those conditions, I do not see why these sterling loans cannot be floated in any other form here. A rupee loan in India is possible if not in England; and, as regards the objections which my Honourable friend, Sir Abdul Halim Ghuznavi, has taken, I have not much to say. Perhaps he has not travelled on this Bengal and North Western Railway or the Madras and Southern Mahratta Railway. He mostly travels on his East Indian Railway, and the comforts which the State gives on those lines are far superior to the comforts that we have on these lines here. The conditions on the Bengal and North Western Railway have been very lucidly stated on the floor of this House, not this time alone, but also before this in 1931. They are simply disgraceful, and, therefore, the only issue before this House today should be that the comforts of the people of this country and especially of those third class passengers ought to be the ruling passion in our minds, not that we cannot raise any loan or anything of the sort. As my friends on this side have just explained, it is very easy to raise loans whenever you want to do it—where there is a will, there is a way.

I have not much to say today at this stage, because it is very late and because my friend, Pandit Govind Ballabh Pant, has very lucidly replied to all the points that have been raised by the Honourable the Commerce Member. I press my motion.

[Mr. Ram Narayan Singh.]

must thank Sir John Simon and all those who have accepted his recommendation for their kind sentiments, but I may tell them at the same time that the change in epithet has not helped us in any way, because the people of backward tracts or the Excluded Areas or partially Excluded Areas stand where they were.

Sir, I think the House would like to know something about the history of these tracts, but it is very difficult for me to relate the entire history of all the tracts within the short time that is at my disposal, but I wish to mention one or two cases, and I may say that the history of one tract is similar to that of the other. Sir, let me say something about Chota Nagpur Division which is my constituency. Before the British came to occupy that territory, it was divided into several small States and they were independent of each other. They had their own Courts and their own form of administration. They were independent and the people were happy and prosperous. When the unfortunate day came and those territories passed into British possession, they administered the whole of Chota Nagpur for about a century by means of the same regulations with which they administered all other parts of Bihar and Orissa and other parts of the country. In course of time, it was found out that some of the regulations were not necessary in some parts of the country. Besides, different regulations were required according to different local circumstances. In fact, there was no question of any people being more forward or more backward. It was to ascertain these differences that the Scheduled Districts Act of 1874 was passed, but there was no question of any race or any community being inferior or superior to others. After the passing of that Act the districts were divided into two classes,—regulation districts and non-regulation districts. The non-regulation districts were also known as scheduled districts, and the administrators began treating the people in some different ways. But there was no legal recognition of these differences, but gradually several Government of India Acts came to recognise these differences, till the Government of India Act of 1919 finally recognised the different constitutional status of these districts. Similar must be the history of all other places now known as Excluded or partially Excluded Areas. Our British friends are very anxious to afford to the people of these areas a special treatment. I would tell the House and the world outside what that special treatment is. Special treatment means making all the Government officials in those areas to be something like independent chiefs or kings or whatever else you may call them. The administrators in those areas do not think that they have to obey rules and regulations. They behave as if they have no higher authority to whom they will have to explain their conduct, and as regards the people themselves, these officers treat them as if they are cattle and dogs. Regarding the administration the less said the better. When we remind ourselves of it our blood boils. Some of the officials appointed for those areas appear to be specially appointed for the same. Some of the officers do not appear to know or to understand law. I may cite an instance of a magistrate deciding a case in the Santhal Parganas. There was a magistrate who was deciding a criminal case. A man was convicted of theft, but he died during the course of the prosecution. The magistrate thought that as his son would inherit his property, the son ought to inherit also the punishment of his father. The magistrate, therefore, punished the son for the offence committed by the father! This is not an

imaginary case. I quote this case from a speech delivered by the Honourable Mr. Madhu Sudan Das, who was at the time one of the Ministers of the Bihar and Orissa Government, and that is printed at page 202 of the proceedings of the Local Legislative Council, dated the 7th December, 1922. Major Cadogan and Mr. James ought to know that this is the way in which justice is being administered in Excluded and partially Excluded Areas, and such are the magistrates who are appointed for the purpose there. This is the result of one-man's rule. Several grounds have been brought forward why these areas ought to be treated as partially Excluded and totally Excluded Areas. Before I advance my own reasons against such a proposal, let me deal with the grounds given by Government officials themselves. Here is a document which has been given to us only a few days ago by the Government of India. I do not know what to call it, whether it is a document full of forgery or concoction or what—it is very difficult for me to say. Here is the Government of India's recommendation. In the concluding portion, it is stated:

"We have accepted without change the recommendations of the Governments of Assam, Bihar and Orissa, Madras, the United Provinces, the Punjab and the North-West Frontier Province."

When we look at the letter of the Government of the Punjab there is no recommendation; the Punjab Government have said nothing. Not only that but something more. They say: The Government of the Punjab have agreed that both these tracts should be Excluded Areas and that recommendation we accept. They say that the Government of the Punjab have agreed. There is no question of recommendation but at the same time they say that we accept their recommendation. They are highly educated people. They must be understanding the recommendation or whatever was written by the Government of the Punjab. I do not know whether they consider the whole world to be fools or they are fools themselves. Here is a statement given by the Government of Bombay:

"Whatever disadvantages these people have suffered in the past have been due more to their ignorance, indebtedness and poverty than to their being completely unacquainted with democratic forms of Government or their political exploitation by the more advanced classes. The principle of electing a leader is not unknown to them but is one of the usual incidents of their village life. Their response to deliberate efforts to educate them and advance their interests has been fairly good. Isolation or segregation of these tracts would retard their progress permanently. What they need is not isolation but special measures to ameliorate their condition."

Further on, the Bombay Government say:

"The process of assimilation which has been gradually going on would receive a set back if these areas were excluded or partially excluded. It should however be noted that the Bhils in most parts of the district are not so backward as is generally imagined. They have been taking an increasing share in local self-government. They are found on almost every local body in the district and they generally understand the principles of local self-government. . . . On the contrary, the local bodies are only too eager to advance their condition."

In Parliament, some Government officials said that the Ministers and the Legislatures will not take care of these aboriginal races of the country and here it is given out that these local bodies are only too eager to advance their condition. Further on they say that the needs of the Bhils in the matter of communication and water supply have been considered

[Mr. Ram Narayan Singh.]

sympathetically. Again, Mr. Symington, Backward Class Officer in the Bombay Presidency, says:

"Perhaps more could and ought to have been done for them in the days when there was money to spend; if so, the blame, if any, must attach to Government and cannot be attributed to the introduction of the democratic system under the periodical reforms. There is no reason to think that the Legislative Council and Ministers have been less sympathetic towards the aboriginals than the old bureaucracy. That being so, there seems to be little logic in pressing the proposal to set up partially excluded areas in this Presidency."

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): The Bombay Government is not too bad?

Mr. Ram Narayan Singh: Yes, for this particular purpose. Sometimes justice flickers. In this connection the Bihar Government have said something which it is very difficult to understand. This is what they say:

"This question has been under examination by the Local Government from time to time since 1923. When the matter was discussed by the Simon Commission, the Local Government considered it necessary to retain the existing degree of protection for all the eight districts that are at present classed as backward tracts. Subsequently, impressed by the difficulty of continuing to protect indefinitely those portions of the backward tracts in which the aboriginals are in the minority, the Local Government modified their views to some extent and in paragraph 38 of the opinion submitted with Mr. Hallett's letter No. 4368-A. R., dated the 23rd August, 1930, they suggested that parts of the districts of Santhal Parganas, Manbhum, Hazaribagh, Palamau, Singhbhum and perhaps Sambalpur and Angul need not be retained in a special position."

Now they say that things have changed now. But I do not know with what sense of justice they say so.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has only two minutes more.

Mr. Ram Narayan Singh: I will finish soon. Then the Bihar Government say:

"The Provincial Legislature, as a whole, has taken no interest in the backward tribes other than to press for the removal of the existing forms of protection."

I have quoted instances to show how the Provincial Legislature has pleaded for them. Further on, the Bihar Government say:

"The Congress has taken no interest in them except to exploit them for political purposes."

Here is an attack on the Congress. I do not know what right they had to attack the Congress in this connection. The Congress has no power. Let Government give the Congress power and let them see what they do to these people in ten years' time.

Sir, the grounds brought forward by those who want that these areas should be excluded from the operation of the reforms are too frivolous to need any refutation on our part. In this connection, I like to mention one thing and that is this. Sir, when I was Vice-Chairman of my own District Board, I submitted a proposal and the District Board agreed that fifty scholarships should be given for the children of the backward peoples. So long as I remained Vice-Chairman, these scholarships were given, but

as soon as I retired from that position, those scholarships were stopped, and not only that but all the money so paid was surcharged to me, after I retired from that office. Sir, they speak of these aboriginal people in piteous tones, but at the same time they won't look to their welfare at all. Sir, all this is mere humbug. Every Indian worth his name is anxiously waiting for the opportunity when they will be able to do something for the people of these backward areas. Now, Sir, it may be that there are people who are backward here and there. For them, some special measures are required—and not that they should be declared unfit for this form of Government or that form of government. Of course, I have no time to say anything further, and I appeal to every Member of the House only to do justice to the people of these Excluded Areas. I shall only say this much that when you want a better form of Government, when you want this or that sort of privileges, for yourselves, I think, as just men, you should desire the same to others also. With these words, I conclude my speech and I hope that every section of the House will support this motion, and I hope the Government Benches, if they are occupied by just people, will also support the motion. (Loud Applause.)

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

"That this Assembly recommends to the Governor General in Council that he may be pleased to take such steps as he thinks necessary and proper to extend the same level of administration to the people of Excluded Areas, partially Excluded Areas, and Chief Commissioners' Provinces including the British Baluchistan, positively from the 1st of January, 1937."

Notice has been given of an amendment by Pandit Nilakantha Das. Does the Honourable Member wish to move the amendment?

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): With your permission, Sir, I may move it on the next occasion when it will be taken up.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must decide whether he is going to move it or not.

Pandit Nilakantha Das: Sir, I move:

"That at the end of the Resolution the following be added:

"Particularly by immediately moving His Majesty's Government to secure an appropriate amendment to the recent Order in Council on the subject of Excluded and partially Excluded Areas."

Sir, on this subject an Order in Council has been passed recently, and, so far as our Government of India are concerned, perhaps for the present it is an almost settled fact

The Honourable Sir Nripendra Sircar (Leader of the House): May I rise to a point of information? Do you propose, Sir, to follow the course of each amendment being moved and discussed, or

Mr. President (The Honourable Sir Abdur Rahim): The procedure the Chair wishes to follow is that, after this amendment has been moved, there shall be a discussion both on the original Resolution and on the amendments.

The Honourable Sir Nripendra Sircar: If the amendments are formally moved now, Sir, then we can talk generally on the Resolution *plus* the amendments.

Mr. President (The Honourable Sir Abdur Rahim): Or he can make his speech now.

Pandit Nilakantha Das: Shall I be allowed to speak now and also afterwards?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot do that, he may simply move the amendment formally now; the Chair thinks it will be more convenient for him to do that.

Pandit Nilakantha Das: Very well, Sir. I move it formally; then I shall speak at a later stage. I move.

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

"That at the end of the Resolution, the following be added:

'Particularly by immediately moving His Majesty's Government to secure an appropriate amendment to the recent Order in Council on the subject of Excluded and partially Excluded Areas.'

The Resolution will, therefore, read like this:

"That this Assembly recommends to the Governor General in Council that he may be pleased to take such steps as he thinks necessary and proper to extend the same level of administration to the people of Excluded Areas, partially Excluded Areas, and Chief Commissioners' Provinces including the British Baluchistan, positively from the 1st of January, 1937, particularly by immediately moving His Majesty's Government to secure an appropriate amendment to the recent Order in Council on the subject of Excluded and partially Excluded Areas."

The Honourable Sir Nripendra Sircar: Sir, although on this side we have got several speakers who desire to speak and can usefully do so, particularly with reference to particular areas like Baluchistan, those in Bombay, and so on, I rise at the earliest stage to tell the House the exact position of affairs and the attitude of Government in relation to this matter of Resolution on Excluded and partially Excluded Areas. This House is aware that public attention has been called to this class of areas since the days of the Simon Commission, and the Simon Commission itself, I believe in paragraphs 127 and 134 of their report, refers to the necessity of the special treatment of areas inhabited for the most part by aboriginal and backward peoples. I have no desire to read all those paragraphs, because I presume most of the Honourable Members are quite familiar with the reasons given there. Then, Sir, the Simon Commission, as we all know, was followed by the Round Table Conferences. During the First and the Second Round Table Conferences, so far as my recollection goes, there was no specific discussion on this question. I believe there was a passing reference in some of the speeches at the end of the Session, but that may be practically ignored; in the First and the Second Round Table Conferences, practically this question was not discussed. At the Third Round Table Conference, under head C, we have the contemplated special responsibility of the Governor in connection with Excluded Areas and the question of their classification into categories. Now, this was ultimately confirmed by the Report of the Joint Select Committee in paragraph 80

of their report. I think the House will remember that the Secretary of State was cross-examined on this subject of Excluded Areas, and he was asked questions as to the treatment of particular areas which were to be excluded and also as regards some of the areas which were proposed to be partially excluded. The definite proposals of His Majesty's Government appeared for the first time in the draft of the Bill which has now become the present Act, in the Sixth Schedule. Now, up to that time, the position of affairs was this, that public opinion in India had the same opportunity of making representations on the question of Excluded and partially Excluded Areas as it had on any other topic which was discussed before the Joint Select Committee or the Round Table Conferences.

Sir Cowasji Jehangir: Were the Government of India's opinions or the Local Governments' opinions made known to the public?

The Honourable Sir Nripendra Sircar: I hope the Honourable Member will wait. I am taking the subject chronologically. I am presently coming to his question. I am now confining myself to a narration of facts, and I will come to the Honourable Member's question. What has since occurred is this. My Honourable friend, Mr. Ram Narayan Singh, referred to the amendment of Major Cadogan. The amendment was moved in the House of Commons by Major Cadogan on the 10th May. He proposed by his amendment to add a large number of areas to the proposals which had emerged from the report of the Joint Select Committee. This amendment led to two results. Firstly, the substitution of the procedure of Order in Council in the place of a Schedule which was in the original scheme, and, secondly, instructions were issued under orders of Parliament to the Government of India for a *de novo* examination of the whole problem by the Provincial Governments in India with special emphasis on reports of district officers. I believe it was sometime probably late in June that these instructions were received. These instructions, if I may read only the relevant portion, were these: The Government of India were directed by the Secretary of State under orders of Parliament for an examination *de novo* by each Provincial Government of the problem. For the purpose of this examination, the following instructions were laid down: That having regard to the limitations consequent upon total exclusion of the powers of the Legislatures and of the Ministers responsible to them, the areas to be placed in the category must be based upon certain necessity and must be as limited as possible in scope consistently with the needs of the aboriginal population. The other instruction was that there should be no hesitation in including in the category of partially Excluded Areas any area containing a preponderance of aborigines or very backward people just of sufficient area to make possible the application to it of special legislation and will be susceptible without inconvenience of special administrative treatment. These, Sir, were the instructions which were issued to the Government of India and the directions further were that, in order to enable the Secretary of State to carry out his statutory obligation, I believe it is by section 91, of laying the draft Order in Council for approval by both Houses by 2nd February, we had to send our reports by some date in December, 1935. From what I have already read out, Honourable Members will notice the form of the enquiry and the nature of the directions which were issued to the Government of India. The Government of India were asked to make their report not by consulting public opinion, but by getting reports from the Provincial Government

[Sir Nripendra Sircar.]

who in their turn were to rely on—they lay special emphasis on this—the reports of their district officers. So far, therefore, as the Government of India were concerned, it was a very limited enquiry and how the enquiry was to be made, directions have been laid down in the instructions from the Secretary of State under orders of Parliament. The Secretary of State was so situated that there was no time for consulting public opinion again even if it were necessary. I am sure, many Honourable Members have read the debates in the House of Commons as also in the House of Lords, and those debates clearly show that it was brought out by many speakers, in fact it was fairly obvious from their speeches, that Indian vocal opinion speaking generally was against any extension of this doctrine of Excluded or partially Excluded Areas. That is to say, it cannot be suggested for one moment that so far as Parliament was concerned, they were not fully aware while the debate was going on and from several speeches which were made by the speakers, that there was a strong body of opinion—I think I may even use a more extended word—they were aware that generally vocal Indian opinion was against any increase in partially or totally Excluded Areas. From the very nature of the matter, the aborigines could not be expected to either understand or express opinion on constitutional questions. With that knowledge, the instructions which were in fact issued to us of the kind which I have laid before this House and we carried out those instructions. Having regard to the course of events in Parliament, the Secretary of State could not give directions for taking public opinion. The results of this enquiry, the nature and the form and the method of which were laid down in the instructions issued under the parliamentary authority, were to be sent to the Secretary of State for the purpose of information of Parliament. All that could be done in those circumstances were actually done by securing simultaneous publication in India and England of the Command Paper and the draft order. The Government of India, I submit to this House, did all that was in their power in the position in which they found themselves for securing that Indian public opinion will be able to make itself heard on the draft order before it was approved of by the two Houses of Parliament, which was part of the procedure relating to the Order in Council. As soon as we came to know not now, but during the Simla Session that certain notices were given of moving Resolutions in connection with Excluded Areas,—they were ultimately not balloted—we knew perfectly well that the intention was to protest against an increase in the Excluded and partially Excluded Areas. As soon as the Government of India came to know that a Resolution on the Excluded Areas was contemplated and was likely to be moved, provided it found a place in the ballot, we brought the matter to the notice of the India Office that a debate was likely to take place and we undertook to send a telegraphic summary of the debate which was expected to take place in the House and a copy by telegram of any Resolution which might be passed. As Honourable Members are aware, as a matter of fact, this Resolution did not find a place in the ballot, and so it was not discussed in the Simla Session. I find the other relevant dates are these. I am making no comments now, but I am placing the facts before the House. As I said, the statutory duty was to place the draft order by 2nd February. I believe the first available day was the 4th February, but it does not matter whether it was 2nd or 4th. Then, the consideration of this draft order by the House of Commons was fixed for the 7th February. It was months ago when the date was fixed.

At that time there were grounds for believing that the debate would be over before February. As I have told Honourable Members, that did not in fact happen, and we are discussing the matter today. This date, *vis.*, 7th February, we know as a result of telegrams received. When the Order in Council was taken up by the House of Commons for consideration, that was on the 7th February. No amendments were moved except, I should say, a Government amendment as regards what I may shortly call the Mymensing entry, and that was moved for the purpose of entry into this class of areas under discussion. I am not very clear in my ideas, but I understand that each of these areas was put separately for consideration, but I may be wrong. Although there was no formal amendment to the debate in each case has been formally adjourned by the House of Commons to enable them to consider any amendment which may be recommended by the House of Lords. So the present position, to put it shortly, is that on the 7th February, these motions were put up: no amendments were made except one relating to Mymensing, and all these debates have been formally adjourned pending any amendments which may be recommended by the House of Lords. So far as we know, according to the latest information, no date has yet been fixed for consideration of the Excluded Areas Order in the House of Lords. If I have narrated these facts it is only for the purpose of showing how we exactly stand and that there is still the possibility of the debates reaching England if their purport is sent by telegram before any order is passed either in the House of Commons or in the House of Lords.

Then, Sir, coming to the Resolution itself, the Honourable the Mover has used this language:

"That this Assembly recommends to the Governor General in Council that he may be pleased to take such steps as he thinks necessary and proper to extend the same level of administration to the people of Excluded Areas, partially Excluded Areas, and Chief Commissioners' Provinces including the British Baluchistan."

Now, Sir, we are in this position that unfortunately it is too late. For instance, as far as Chief Commissioners' Provinces are concerned, that is settled by this Act which has been passed after a deliberation of seven years. I refer this House to sections 94 to 98. As the result of the Act, Chief Commissioners' provinces have been established, and in the subsequent sections provisions have been found as to the method of administration of those provinces. Therefore, it is now impossible for securing to these provinces the same level of administration, as will prevail in Governors' Provinces. Of course, Parliament can repeal the present Act in a day and make other recommendations. But, short of that, it is too late, though any recommendation, which will be made in the House, will, of course, be forwarded in due course. What I am pointing out is that, so far as Chief Commissioners' provinces are concerned, the law is embodied in the Statute and it cannot be changed without altering the Statute. So far as the Excluded Areas and partially Excluded Areas are concerned, I have explained to the House what the position is, and I do not desire to repeat my statements. The position is that no date has yet been fixed in the House of Lords and the discussion in the House of Commons formally stands over. As I said, I do not intend to deal with the different areas; there are other Honourable Members who have better knowledge and are prepared to do that. I have already told the House.

[Sir Nripendra Sircar.]

I think that, while we came to know that a Resolution was likely to be moved in the Simla Session, we not only informed the India Office of it, but we undertook to send them by telegram a summary of the debates and of any Resolution which may be passed. That is still our position. Any Resolution that may be passed here and a summary of the debates we undertake to send by telegram to the Secretary of State.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadian Rural): Sir, I wish to support the Resolution. As the Honourable the Leader of the House has said, there is still hope that there may be a few modifications in the draft of the Order in Council that has been placed by the Secretary of State before Parliament, I think, therefore, that whatever time we may spend on it here would be well worth it. So far as the present draft Order is concerned, you will be pleased to find that originally the Sixth Schedule that was referred to in section 91 of the Government of India Bill contained four Excluded Areas and 11 partially Excluded Areas. And the amendment of Major Cadogan recommended 17 Excluded Areas and 30 partially Excluded Areas. As a matter of fact, what we find now in the draft is that the number of Excluded Areas is eight and that of partially Excluded Areas is 28. And it is stated that this has been the result of a *de novo* examination undertaken at the express instructions given by the Secretary of State. If we were to refer to the debate that took place on the amendment of Major Cadogan on the 10th May, 1935, one cannot but feel that the whole attempt of the amendment was firstly, to include as large a portion in the category of Excluded Areas as possible, and if that was not possible, to include as large a portion in the second category, namely, partially Excluded Areas, as possible. In fact if I were to refer to what Mr. Winston Churchill has stated, it will be abundantly clear that the attempt was to expand the scope of the amendment as much as possible,—in fact to the whole of India. I will refer to the Parliamentary Debate, column 1410:

"I am satisfied that the more we can exclude from the operation of the Bill the better. I like this longer list; I like it much better than the Under-Secretary's list."

And then further on he says:

"I should be very glad indeed if the Under-Secretary were to accept the amendment, and even if my Honourable and gallant friend cared to add other districts to it I should not object. I should not object indeed to including in it the entire scope of the Great Indian Peninsula."

Sir, that was the object. In the first place, taking the larger question of constitutional consideration, the first object was to give as little as possible, and the second object was to give that as little to as few persons as possible. When the first object was practically achieved, the attention of the English diehards was diverted to the attainment of the second part of their object, and this is perfectly embodied in the amendment that was moved by Major Cadogan in the House of Commons. The specious plea that these backward tracts or backward tribes should be excluded on the ground that they need protection, on the ground that they are educationally backward, on the ground that they are economically exploited by other advanced classes, sounds ill in the mouths of those who have done nothing but 150 years of exploitation. I will take only those tests which have

been laid down during the discussion in the House of Commons and try to judge whether the inclusion of areas in the new Schedule is really justified. The first test is whether they are educationally advanced. On that point, I will not say what I want to say, but I will only refer to those who have a right to say about it, namely, the representatives of the backward tribes. There was a discussion, Sir, in the Bihar Council on the 18th February, 1935, when the India Bill was published, and the Sixth Schedule referred to in section 91 of the India Bill was under discussion. A Resolution was moved by Babu Devendra Nath Samanta, who is one of the representatives of the backward classes. The Resolution was:

"That this Council recommends to Government to be good enough to take necessary steps so that no part of the Chota Nagpur Division may be declared to be an 'Excluded Area' or a 'Partially Excluded Area' in the forthcoming Constitutional Reforms."

This was not the first time that such a Resolution was moved in the Bihar Council. Similar Resolutions had been moved in the years 1923, 1927 and 1933. Even in the Legislative Assembly, in the year 1927, a similar Resolution was moved, and my Honourable friend, Mr. Ram Narayan Singh, was one of the participants in the debate. Not that there was any doubt about the course of public opinion in India on this question, but as the question became more important at this particular juncture in the Bihar Council the Resolution that I have referred to was moved. In the speech which was delivered by Babu Devendra Nath Samanta, he said that it was absolutely ill-founded to say that the people in Chota Nagpur were backward. I refer to what he said, which is reported at page 342 of the debate:

"A number of students have been receiving higher education in colleges. I may further inform the House that education among the aboriginal girls is much higher than among the girls of other communities in Chota Nagpur. Some of them have been working for years, efficiently as deputy magistrates, sub-deputy magistrates, assistant settlement officers, pleaders, medical practitioners, teachers in high schools and as sub-inspectors of schools, deputy inspectors of schools, sub-inspectors of police and excise, veterinary assistant surgeons and foresters."

Judged from whatever point of view, whether from educational or even the economic point of view, a case was completely made out against the inclusion of Chota Nagpur in the partially Excluded Area. In the reply given by the Government Member also, it was conceded that it was a very strong case, but the plea that was made out was that after all some protection was needed. A suggestion was made in the course of the debate that instead of including such areas either in the category of 'Excluded Area' or 'partially Excluded Area', advantage should be taken of the provision in section 52 (1) (b) of the Bill then, and the Government of India Act now, for the safeguarding of the legitimate interests of the minorities. It was pointed out that it was quite enough for the purposes of protecting whatever interests there were. After this, Sir, as I have said, the attempt was made in the House of Commons to exclude as many people as possible from the operations of the new Government of India Act, not with a view to confer any benefit but with a view to preserving these areas for the exploitation of British capitalists. It is not the fear that I am here advocating, but it has been referred to by one of the

[Mr. N. V. Gadgil.]

speakers in the debate. It has also been said that if these areas are not given protection, the result will be that they will fall victims to Poona Brahmins—that is what has been said by Colonel Wedgwood. I know Poona Brahmins being one of them, but what I am afraid of, Sir, is that the real protection that they need is not from Poona Brahmins but from London Brahmins and *Banyas* who have come to sit opposite me. After the debate was over and as a result of that, the whole Schedule was withdrawn and a promise was made that there would be a further enquiry. Although it was conceded that the Schedule had been prepared after complete investigation and after consulting all those who deserved to be consulted, the scope of the undertaking then given was that there would be very little by way of addition. This is what the Attorney-General said on that occasion:

"The Under-Secretary sees no reason whatever to anticipate that, except for a few comparatively minor additions, in addition to the one or two which he has mentioned, there will be any additions which we shall feel justified in offering to the House as fit to go into the category of Excluded Areas."

He summed up towards the end of his speech by saying that what he said applied equally to the partially Excluded Areas. From the White Paper that has been published by the Government of India on "Excluded and partially Excluded Areas" which I really call "White Flag", I find that Government of India have completely yielded to the pressure of the Secretary of State. They lay down certain conditions and certain tests which were referred to just now by the Honourable the Law Member, that the inclusion in 'the partially Excluded Areas' must be justified on certain considerations. But there is another and additional test that has been laid down in the letter of the Secretary of State and that is:

"To what extent the areas in which such classes predominate can be brought, without administrative disadvantage or without countervailing disadvantage to the remainder of the inhabitants of the area, within the special provisions of Chapter V of Part III of the Bill."

The last test has not been applied to many areas now recommended. If I were to confine my remarks to what has happened in the Bombay Presidency, you will see that there was not a single district which was under the operation of the Scheduled Districts Act or which was covered by the provision of section 52A of the Government of India Act of 1919. The Bombay Government, to start with, recommended that there should be no Excluded Area or partially Excluded Area in the Bombay Presidency. In their report, they have clearly stated the reasons why they do not propose to recommend any. Taking the tests laid down in the Secretary of State's letter, at page 37 of the White Paper, they say about the Bhils thus:

"Some of them have been nominated on local bodies and have done as well as might be expected from an uneducated and economically poor class of people. Whatever disadvantages these people have suffered in the past have been due more to their ignorance, indebtedness and poverty than to their being completely unacquainted with democratic forms of Government."

Not only this. In the Thana district where certain Mahals also have been included in the partially Excluded Areas, the voting strength of these backward classes is considerable; in West Khandesh, practically half the

district has been included in the partially Excluded Areas. I have received a number of telegrams from Bhil leaders, from the Presidents of various municipalities, from the various taluk boards and members of district and local boards—some of them are Bhils—protesting against the inclusion of Navapur, Nandurbar, Taloda, Shahada in the partially Excluded Areas. . .

Sir Cowasji Jehangir: Against the wishes of the Government of Bombay.

Mr. N. V. Gadgil: Yes, the Government of Bombay recommended that they should not be included in such areas. I do not know who is ultimately responsible for their inclusion. As regards West Khandesh I will refer to what has been stated in the Census of 1931—Vol. VIII—Part I about the educational standard of these Bhils in the West Khandesh district:

"The Bhils in this taluka are gradually giving up their former modes of living. . . They are now not afraid to leave their native places and go outside for their livelihood. They have now realised the benefits of education and are sending their boys freely to schools, nay, they have even engaged private tutors where Local Board schools are not available and all are paying their salaries by collecting private contributions. Some of them have now learnt carpentry. They have formed their own association, viz., 'the Bhil Sevasangh' and the chieftain of Singpur, Meherban Veersing Bapu Padvi is the chairman of this Sangh. They hold their meetings and decide caste disputes. These disputes are mostly regarding women either marrying another person again during the lifetime of their husbands or those leaving their husbands' houses and going to reside with others as mistresses. The defaulting person is required to pay according to his capacity to the injured person a sum of money to meet the expenses of his first marriage. A part of this money is however spent by the assembled villagers to their common drink and remaining only is paid to the person injured. Such disputes are very common and are decided by the Sangh daily. There is a Bhil Boarding House at Taloda where Bhil boys (about 20) are given free boarding and lodging and free education partly at the cost of Government and partly at the cost of the Local Board. The boys have shown good progress in education and several have passed the Vernacular Final Examination and have become school masters. The Bhils have their own peculiar language (Bhilori) and Bhil teachers are preferred in Bhilora villages to outsiders as they can better interpret and teach the Bhil boys. Two Co-operative Credit societies have been started for exclusive Bhil population and they are being managed satisfactorily by Bhil members. There is also an Agricultural Development Association at Taloda under the Chairmanship of Meherban Veersing Bapu Padvi, Chieftain of Singpur, and under his wide experience and guidance the Bhils have been experimenting improved method of agriculture and giving up their stereotyped form of cultivation."

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has spoken for fifteen minutes already.

Mr. N. V. Gadgil: I will take five minutes more.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must finish his speech soon.

Mr. N. V. Gadgil: The Backward Classes Officer, Mr. Symington, to whom certain questions were formulated, has replied at the end of his note, printed at page 45:

"On the whole I do not consider that the interests of the people concerned themselves would be furthered by the action urged. Indeed, as stated above, it might result in a tendency to leave the responsibility for progress on the Governor's shoulders as his special responsibility, and the Governor is likely for many reasons to be reluctant to exercise his individual powers except on special occasions. This I think would be a real danger."

[Mr. N. V. Gadgil.]

So, against the considered opinion of the Backward Classes Officer, against the considered opinion even of the district officers, against the considered opinion of the Commissioners of the Divisions, against the considered opinion of the Government of Bombay, several areas have been included in the partially Excluded Areas. Those belonging to the advanced classes who happen to be included in these areas have not been heard at all. On the merits of the question, taking the test laid down by the Secretary of State, I submit that so far as the areas from the Bombay Presidency are concerned, they have been wrongly included in the draft Order. For these reasons, I support the Resolution:

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 12th February, 1936.

LEGISLATIVE ASSEMBLY.

Wednesday, 12th February, 1936.

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

MEMBER SWORN.

Sir Bryce Chudleigh Burt, Kt., C.I.E., M.B.E., M.L.A. (Government of India: Nominated Official).

QUESTIONS AND ANSWERS.

MILEAGE ALLOWANCE OF THE TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

295. *Qazi Muhammad Ahmad Kazmi: (a) Will Government be pleased to state if it is a fact that:

(i) the Government of India Resolution No. 4863, dated the 4th December, 1891, reads as under:

"The Government of India have always been careful to exercise the right of altering rules with due consideration for the rights of their servants. The ordinary course adopted to prevent hardship arising from any change of rule found necessary has been either to defer the introduction of the change for some time after its publication or to give the officers affected the right of choosing whether they shall come under the operation of the old or the new rules. It has been decided that the right of altering rules must be maintained, that care should be taken, as in the past, to prevent the introduction of any new rules from operating harshly, but that the local governments and the Government of India should not consider themselves precluded from recommending an exception in any case of individual hardship which may arise in spite of the precautions taken. If any case of apparent hardship arises, the local authorities should understand that, when the officer applies to retire, they are not precluded from examining into its merits and ascertaining whether, in their opinion, he has substantively suffered from the introduction of a rule not in force at the time he entered the service. If after comparing the advantages incidentally involved, they find that he has on the whole substantially suffered, the point may be taken into consideration in determining whether some compensation ought not to be granted in the particular instance."

(ii) Paragraph 359 of State Railway Open Line Code, Volume II, reads as under:

"The following rules for grant of Day, Night allowance, Court allowance, relieving and mileage allowance are laid down for general guidance. Managers are however empowered should necessity arise to modify them at their discretion to suit the circumstances of the Railways under their control."

Prof. N. G. Ranga: Over how many years is it expected to be spent?

The Honourable Sir James Grigg: I said yesterday in answer to a question, 3 to 5, I think.

EXPULSION OF INDIANS FROM IRAQ.

302. *Mr. M. Ananthasayanam Ayyangar: (a) Are Government aware that Indians in Iraq have been asked by that Government to quit the country?

(b) What steps, if any, have been taken by Government to prevent the forced repatriation and with what result?

(c) How many Indian settlers are there in Iraq? How long have they been there and what are the trades or occupations they are engaged in?

(d) Have Indians acquired any property in Iraq, and if so, what is its extent and value?

Sir Aubrey Metcalfe: (a)–(b). No Indians in Iraq are under final notice to leave that country, but the question of renewal of permits to stay arises from time to time under Article 10 of the Iraq Residence Law of 1923 which is applicable to all foreigners alike. A copy of this Article is placed on the table.

(c) 4,500 approximately of whom about one-third (1,500) are believed to have entered Iraq before the war, while the remainder went there during or since the war. Government have no information as regards the last portion of (c).

(d) Yes. The value of Indian owned property in Iraq is estimated at slightly more than £500,000. It is situated mainly in Kerbala and Baghdad and consists of houses, shops and a few plots of land.

Article 10 of the Iraq Residence Law of 1923.

10. Any person allowed to enter shall within fifteen days of his arrival register at the police headquarters of the district in which he resides, the particulars set out in the Schedule hereto. This provision shall not apply to persons certified by the Consular visa to be travellers or persons in transit to another country whose stay will not exceed three months from the date of entry.

In case any person so certified overstays the period, he shall register his name immediately at the place in which he is resident and shall apply to the Chief Residence Officer for a permit to stay for a further period in Iraq.

Schedule of Particulars to be registered.

1. Surname or family name (in block letters).
2. Other names.
3. Date of birth.
4. Nationality.
5. Nationality of parents.
6. Languages which immigrant can (i) speak, (ii) read, (iii) write.
7. Place of birth.
8. Usual place of residence.
9. Occupation (a) past (b) intended.
10. Particulars of dependents, if any, specifying name, age and place of birth.
11. Proposed duration of stay in Iraq.
12. Proposed place of residence.

13. Place of business.

14. Date of entry.

15. Authority for entry.

16. Whether previously resident in Iraq.

(a) Place of such residence; (b) Dates of such residence.

17. Whether owner of property in Iraq.

(a) Nature of title to such property; (b) Detailed description and situation of such property.

18. Two photographs of immigrant.

(This will not be required in the case of Moslem women or other women with similar religious or social prejudices).

Mr. T. S. Avinashilingam Chettiar: Have any Indians been refused renewals of permits?

Sir Aubrey Metcalfe: Not so far as I am aware. I explained the whole situation very clearly to the House the other day.

Mr. M. Ananthasayanam Ayyangar: May I know, Sir, what the duration of this permit is?

Sir Aubrey Metcalfe: I have already laid on the table a copy of Article 10 of this Residence Law. If Honourable Members will take the trouble to study it, they will find all the information in it.

REDUCTION OF THE PRICE OF POST CARD, RAISING OF MINIMUM ASSESSABLE INCOME FOR INCOME-TAX AND REDUCTION OF SALT TAX.

303. *Mr. M. Ananthasayanam Ayyangar: (a) Have Government considered the possibility of:

(i) reducing the price of a post-card from nine pies to six pies in the coming year;

(ii) raising the minimum assessable income from Rs. 1,000 to Rs. 2,000 a year for purposes of income-tax in the coming year; and

(iii) reducing the tax on salt to As. 12 a maund in the coming year?

(b) If so, what steps do Government propose to take in the matter of giving relief to the taxpayer?

(c) If not, why not?

The Honourable Sir James Grigg: I cannot on these or any other questions anticipate the Budget statement.

INDIAN STATES AND THE FEDERATION.

304. *Mr. M. Ananthasayanam Ayyangar: (a) Will Government be pleased to state how many States have signified their assent to join the Federation?

(b) What steps, if any, are being taken to set the Federation working at the earliest possible date?

(c) When do Government expect to start the Federal Assembly functioning?

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

"That this Assembly recommends to the Governor General in Council that immediate and necessary steps be taken to take over the control of the Bengal and North-Western Railway and the Madras and Southern Mahratta Railway from the present lessees and further not to extend the contracts which expire in the year 1937."

The motion was adopted.

RESOLUTION RE EXTENSION OF THE SAME LEVEL OF ADMINISTRATION TO THE PEOPLE OF THE EXCLUDED AND PARTIALLY EXCLUDED AREAS.

Mr. A. K. Fuzlul Huq (Bakargunj cum Faridpur: Muhammadan Rural): Sir, this Resolution and the one that follows deal with the same subject, with this difference that the one that stands in the name of Mr. Satyamurti is more comprehensive than mine. In order to shorten the debate, I would ask permission that mine should be passed over so that Mr. Satyamurti's Resolution should be moved.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): Sir, I have been authorised to move this Resolution. Sir, I beg to move the following Resolution, namely:

"That this Assembly recommends to the Governor General in Council that he may be pleased to take such steps as he thinks necessary and proper to extend the same level of administration to the people of Excluded Areas, partially Excluded Areas, and Chief Commissioners' Provinces including the British Baluchistan, positively from the 1st of January, 1937."

Sir, the question of the administration of these Excluded Areas or partially Excluded Areas is one which vitally concerns the people of the whole country in general, and over a crore of them in particular, who happen to live in those tracts or parts of the country which have been now stigmatised by our British masters as Excluded and partially Excluded Areas. Sir, if we look at the Sixth Schedule given in the last Government of India Bill, we find that the number of the Excluded Areas was only four and that of partially Excluded Areas only 11, but now as it is given in the Order in Council and submitted to Parliament, we find that in both cases the numbers have been increased to 8 and 26 respectively. Sir, formerly in some provinces such as Bombay, Central Provinces, United Provinces and the Punjab there were no such areas as partially Excluded or totally Excluded Areas, but now we find that some portion or other has been so declared in every province, and this against the definite undertaking given only last year on behalf of Government and also by the Parliament itself to the contrary. Sir, I do not wish to say anything against the breach of this undertaking of the British Government or the British statesmen, because to them there is no sanctity in making promises and in breaking them in the same breath. It is quite possible that the memory of the British people has failed. Besides that, they are clever business-men, and they may not consider it necessary to remember unprofitable promises. The hands of the British people have been forced to part with some of the political powers in this country. Therefore, it is but natural for them to take away with their left hand what they had been forced to give by the right hand. They want to maintain the despotic nature of

their present administration in some part of the country or other. Sir, these Areas have been selected, not for the benefit of the aboriginal races of the country, not for the benefit of any other people of India, but solely to maintain the British power in this land. Sir, among the conservative Members of the British Parliament, Major Cadogan and Mr. James seemed to be very very enthusiastic over this question. They posed to be the protectors of the aboriginal races of this country, but I shall tell them not to shed crocodile tears over this question. They say that the aboriginal races of this country may be exploited by non-aboriginal races. This sort of sympathy reminds me of a saying that exists in this country and that runs as follows:

"Nau saw choche khaker billi chali hai haj ko."

Which means: "having eaten away nine hundred mice, the cat has started on a pilgrimage". I ask the British people and their representatives here not to talk of the exploitation of one race by another. Is there any race in the world who is a greater exploiter than the British race? They talk of according special treatment to the backward races of this country. May I know, Sir, what have they done for these people during all this period of their rule in this country? Up till now they have done nothing, not only to speak of the aboriginal races of this, for anybody in this land. They speak of according special protection to the backward races of this country. Sir, I can quote from Sir John Simon's Report to show what they have done for these backward races till now. I refer to page 109 of Vol. II, and this is what Sir John Simon has said:

"The responsibility of Parliament for the backward tracts will not be discharged merely by securing to them protection from exploitation and by preventing those outbreaks which have from time to time occurred within their borders. The principal duty of the administration is to educate these people to stand on their own feet, and this is a process which has scarcely begun."

Sir, this is the verdict of the Royal Statutory Commission, and I do not think there can be any better testimony as regards the negligence of the British administrators in this country towards the welfare of the people of the backward tracts. Sir, whether Major Cadogan and Mr. James shed crocodile tears over this question or not, I think this testimony of Sir John Simon ought to put them to shame for what they now say. Sir, I do assert most emphatically that our rulers have done practically nothing, nor do they ever intend doing anything for anybody in this country. It is no good saying that they are going to do something now when they have not done anything so far ever since the advent of their rule in this country. If when they have been administering this country all along and did not do anything for these people, can we imagine that they will do something at the time of their departure from this country?

Sir, the terms "Excluded Areas" and "Partially Excluded Areas" are new things introduced into the administrative literature of this country. Formerly, some of these were called backward tracts. Sir John Simon took pity over the feelings of those people and recommended that for the term backward tracts, Excluded Areas and partially Excluded Areas should be substituted, as in his opinion, these latter terms were less derogatory and less offensive. However, his recommendation has been accepted.

(iii) Paragraph 362 of State Railway Open Line Code, Volume II, reads as under:

"Travelling Ticket Collectors are classed as Traffic Train Staff, and permitted under the orders of the Manager, to draw allowance referred to in clauses (c) to (e) of para. 359. It is however, left to the discretion of the Manager to grant or refuse all or any of these allowances but whatever allowance is to be given should be determined by the Manager at the time the person is engaged."

(b) Is it a fact that under the Government of India Fundamental Rule No. 15 the pay of an employee cannot be reduced save due to inefficiency or misconduct?

(c) Is it a fact that the Agent of a Railway or the Railway Board have got a right to change the rules as per para. 359 of the State Railway Open Line Code, Volume II, as acknowledged in reply to starred question No. 740 (a), dated the 26th September, 1935?

(d) Is it a fact that such a change can be made in respect of the new employees?

(e) Is it a fact that the power vested in the Agent to alter the rules by virtue of para. 359 of the State Railway Open Line Code, Volume II is further restricted in respect of those already in service by para. 362 of the said Code wherein it is definitely laid down that whatever allowance is to be given to an employee should be determined at the time the person is engaged?

(f) With reference to para. 359 of the State Railway Open Line Code, will Government be pleased to state why as per Railway Board, letter No. 6087-F., dated the 9th August, 1931 those of the State Railway employees who were in receipt of night allowance offered to them at the time of their appointment were asked to exercise a choice as to whether they desired to continue to draw night allowance or desired to be governed by State Railway Rules and draw daily allowance instead?

(g) Will Government be pleased to state why the old Travelling Ticket Inspectors of the East Indian Railway and the old Travelling Ticket Examiners of the North Western Railway were forced to forego mileage allowance which was offered to them at the time they were engaged and which they have been drawing upto 31st May 1931 and why no choice was given to them to retain their old privileges in terms of Government of India Resolution No. 4863, dated the 4th December, 1891, and analogous to the choice given to those in receipt of night allowance as per Railway Board letter No. 6087-F., dated the 9th August, 1931?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes, except that in the rule quoted in (a), (ii) the words 'to train or running staff' have been omitted.

(b) and (c). Yes.

(d), (e), (f) and (g). I am afraid that the Honourable Member is assuming that a change was made in the rules in respect of the mileage allowances previously drawn by old Travelling Ticket Inspectors on the East Indian Railway and old Travelling Ticket Examiners on the North Western Railway. This is not a fact. I would, however, add that it has been stated more than once, on the floor of this House, that the posts of Travelling Ticket Inspectors on the East Indian Railway and Travelling Ticket Examiners on the North Western Railway were abolished and the persons holding these posts were offered and accepted posts of Travelling Ticket Examiners on the East Indian Railway and Special Ticket Examiners on the North Western Railway which did not entitle them

to mileage allowance. Government, however, sanctioned, purely as an *ex-gratia* measure, an enhanced consolidated allowance to persons who had originally held posts in a substantive capacity as such. I would further add that Government are unable to trace letter No. 6087-F., dated the 9th August, 1931, said to have been issued to the Agent, East Indian Railway, by the Railway Board.

MILEAGE ALLOWANCE OF THE TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

296. *Qazi Muhammad Ahmad Kazmi: (a) Will Government be pleased to state if it is a fact that the rules operative on 31st May, 1931 in respect of the old Travelling Ticket Inspectors of the Accounts Department on the East Indian Railway as announced by the Agent, East Indian Railway, in his letter No. T. E./65/OD/Crew, dated 9th August 1927, conferred the right of drawing average mileage allowance on transfer to operating department?

(b) Is it a fact that the new rules which operated from 1st June, 1931 offered consolidated allowance of Rs. 15 and 20 per month as per Moody-Ward recommendations to the Travelling Ticket Examiners?

(c) Will Government be pleased to state why in terms of Government of India Resolution No. 4863, dated the 4th December, 1891 the old Travelling Ticket Inspectors were not given the choice to continue on the old rules?

(d) Are Government prepared to see that the old Travelling Ticket Inspectors of the East Indian Railway are allowed to continue on the rules referred to in part (a) above and those on the North Western Railway are given 75 per cent. of the pay as mileage allowance?

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

(c) and (d). I would refer the Honourable Member to the reply which I have just given to parts (d), (e), (f) and (g) of his question No. 295 in which I have explained the whole position.

TRADE AGREEMENT BETWEEN CANADA AND THE UNITED STATES OF AMERICA.

297. *Mr. M. Ananthasayanam Ayyangar: (a) Are Government aware that Canada has entered into a trade treaty with the United States, whereby reciprocal reduction of tariffs has been agreed upon and preference will be shown by Canada to motor cars, iron and steel wares, chemicals and certain textiles among others from the United States of America in return for concessions to be shown by the United States of America for Canada's cattle, milk, rum, and lumber?

(b) Is not such a treaty in violation of the Ottawa Agreement? If not, how?

(c) If so, is it open to India to enter into separate trade treaties with France and Germany showing preference to their goods, in return for her oil seeds, etc.? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes. The details of the Agreement are not, however, exactly as the Honourable Member has stated.

(b) No. The Government of India understand that the preferences granted by Canada under the Ottawa Agreements have not been affected.

(c) Does not arise.

Mr. M. Ananthasayanam Ayyangar: What are the countries, if any, which are not following or reciprocating the Ottawa Trade Agreement?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I cannot follow the Honourable Member.

Mr. M. Ananthasayanam Ayyangar: What are the British possessions, Colonies and Dominions, which are not following the Ottawa Trade Agreement?

The Honourable Sir Muhammad Zafrullah Khan: In what sense? In so far as the non-self-governing Colonies are concerned, they come with the United Kingdom into the agreement, and as to which of the Dominions have agreements with the United Kingdom, most of them I should say, but, if the Honourable Member wants exact information, I shall want notice.

Mr. T. S. Avinashilingam Chettiar: What parts of the British Commonwealth are not following this Agreement?

The Honourable Sir Muhammad Zafrullah Khan: That is what I have already referred to.

Mr. Sami Vencatachelum Chetty: Is it a fact that Ceylon has not responded to all the terms and obligations of the Ottawa Agreement?

The Honourable Sir Muhammad Zafrullah Khan: That is a different question which is being examined separately.

Mr. S. Satyamurti: Is it open to India to enter into separate agreements with France, Germany, and other countries in respect of her oil seeds?

Mr. President (The Honourable Sir Abdur Rahim): Instead of putting these supplementaries, the Honourable Member will soon have the Ottawa Trade Agreement under discussion.

Mr. S. Satyamurti: Sir, we want some information on the subject in order to enable us to take part in the discussion usefully.

Mr. President (The Honourable Sir Abdur Rahim): They will give the Honourable Member plenty of information then.

Mr. S. Satyamurti: What is the answer to my question, Sir?

The Honourable Sir Muhammad Zafrullah Khan: I have already replied to a supplementary question that it is open to India to enter into trade agreements with any other countries if it so chooses.

INCREASE IN THE FREIGHT OF WHEAT AND SALT BY CONFERENCE LINERS.

298. ***Mr. M. Ananthasayanam Ayyangar:** (a) Have Government received any representations from the Buyers and Shippers Chamber of Indian Merchants, Karachi, complaining of the increase in wheat freight and salt from Rs. 4 to 4-8-0 per ton by conference liners?

(b) What steps, if any, have Government taken or propose to take in this matter?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government did receive a letter from the Chamber in November, 1935, in which it was stated that the Conference Lines had increased the freight on wheat and were not treating the salt traffic fairly.

(b) None. Government do not consider that any case for their intervention has been made out.

I may add, however, that I have been informed that the salt freight which had gone up fairly high has again reverted to almost its previous level.

Mr. M. Ananthasayanam Ayyangar: What are the conditions under which alone the Government of India propose to intervene in this matter?

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

Mr. M. Ananthasayanam Ayyangar: It arises definitely out of this, Sir.

Mr. President (The Honourable Sir Abdur Rahim): It is a hypothetical question, and the Chair disallows it.

Mr. M. Ananthasayanam Ayyangar: Is that the opinion of Government?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is asking for opinion, and the Chair cannot allow it.

SANCTIONS AGAINST ITALY AND EXPORT TRADE FROM INDIA OF CERTAIN COMMODITIES.

299. ***Mr. M. Ananthasayanam Ayyangar:** (a) In the matter of enforcing sanctions against Italy by India, will Government be pleased to state if there are any of the 18 kinds of prohibited articles available in India for export, and if not, what does the threat mean?

(b) Has there been any export trade from India of guns, howitzers, bombs, tanks, aircraft, engines, etc., within living memory?

(c) If the reply to part (b) be in the affirmative, what is the annual production of such articles in India?

(d) Is there any prohibition of export of Gold to Italy? If not, why not?

Sir Aubrey Metcalfe: (a) Some of the articles mentioned in this part of the Honourable Member's question are manufactured at arsenals in India, but for the use of the Army in India and not for export. The action taken to prohibit export includes a prohibition on transit and transshipment, which might be effected at British Indian ports. It is, therefore, necessary not only to implement the decision of the League of Nations but as a practical measure to prevent such transshipment.

(b) No.

(c) Does not arise.

(d) The Committee of the League of Nations has not yet recommended the prohibition of the export of gold to Italy.

Mr. T. S. Avinashilingam Chettiar: May I request the Government to give us an account of the effect of the application of sanctions on the foreign trade of India?

Sir Aubrey Metcalfe: If they knew the effect, they would be very glad to make such an announcement, but I do not think that anybody in India can yet state the effect of it.

Mr. M. Ananthasayanam Ayyangar: Is gold shipped to Italy from time to time in spite of the sanctions?

Sir Aubrey Metcalfe: I am afraid I must ask for notice.

Mr. M. Ananthasayanam Ayyangar: There are other Honourable Members in the House representing the Government, and any one of them can answer this question, Sir.

UTILISATION OF THE SERVICES OF RETIRED OFFICERS FOR CARRYING OUT THE RURAL DEVELOPMENT SCHEME.

300. ***Mr. M. Ananthasayanam Ayyangar:** (a) In the matter of carrying out the rural development scheme for which a crore of rupees has been set apart, do Government propose to direct that the services of retired or pensioned officers should be sought for in the first instance before employing costly establishment?

(b) As part of the scheme of rural uplift are Government prepared to consider the advisability of directing that all pensioned officers of Government should settle on retirement, in villages and help in the work of rural reconstruction by looking after the sanitary arrangements by working co-operative credit societies, by starting and running sundry shops for the sale of village made articles, etc.?

(c) Will Government be pleased to state what portion of the grant for rural development has been spent during the year and how much by each province?

The Honourable Sir James Grigg: (a) The employment of staff on schemes for rural development is a matter entirely within the discretion of the Provincial Governments.

(b) No.

(c) The information cannot become available before the year has closed.

Mr. M. Ananthasayanam Ayyangar: Can't the Government, Sir, utilise the services of pensioned officers with a view to seeing that the entire crore of rupees is utilised for the purposes for which it is ostensibly intended, and will they be pleased to direct the Local Governments to requisition the services of pensioned officers for this purpose?

The Honourable Sir James Grigg: As far as I have been able to follow the Honourable Member, he has raised two different questions. Will he kindly repeat them separately so that I can answer them separately?

Mr. M. Ananthasayanam Ayyangar: I would request the Honourable Member to split up the questions.

Mr. President (The Honourable Sir Abdur Rahim): The questioner must do it himself.

Mr. M. Ananthasayanam Ayyangar: Very well, Sir. Will Government be pleased to direct the Local Governments, to whom portions of this crore of rupees have been distributed, to requisition the services of pensioned officers to utilise this sum properly and thus curtail expenditure on establishments?

The Honourable Sir James Grigg: No, Sir.

IMPROVEMENT OF THE CO-OPERATIVE MOVEMENT.

301. ***Mr. M. Ananthasayanam Ayyangar:** (a) Has any action been taken on the report of the special officer appointed for devising ways and means to improve the co-operative movement in India?

(b) Has any amount been spent from the one crore of rupees for the improvement of the co-operative movement, and if so, what is the amount, and if not, why not?

(c) Will Government be pleased to lay on the table the reports on the working of the rural re-construction scheme in several provinces?

The Honourable Sir James Grigg: (a) Mr. Darling's suggestions have been brought to the notice of Local Governments. In particular they have been asked to devise schemes for training the co-operative staff and for educating the members in the principles of co-operation.

(b) The amount earmarked for the improvement of the co-operative movement is 15 lakhs. Rs. 1,72,990 has already been allotted as the first instalment of the amounts due to Provinces. I may say that the answer was drafted some time ago. It may be that these figures are a little out of date. I can look into that.

(c) A statement will be laid on the table of the House in due course.

The Honourable Sir Nripendra Sircar: (a) and (b). I would invite the Honourable Member's attention to my reply to question No. 44.

(c) It is impossible at this stage to give any forecast.

†305*.

RESTRICTION ON THE EXPORT OF GOLD.

306. *Mr. M. Ananthasayanam Ayyangar: (a) Are Government aware that France has put an embargo on the export of Gold?

(b) Are Government prepared to revise its policy and restrict the free export of Gold as a commodity?

The Honourable Sir James Grigg: (a) So far as I am aware, France has not put an embargo on the export of gold.

(b) I have nothing to add to the views already expressed by me on this subject.

NEGOTIATIONS WITH HYDERABAD REGARDING THE TUNGABHADRA PROJECT IN THE MADRAS PRESIDENCY.

307. *Mr. M. Ananthasayanam Ayyangar: (a) Will Government please state at what stage the negotiations with Hyderabad regarding the Tungabhadra project in the Madras Presidency are?

(b) Has any arrangement been come to and when will the work be commenced?

The Honourable Sir Frank Noyce: (a) and (b). The Government of India have suggested to the Governments of Mysore, Bombay, Madras and Hyderabad that a Court of Arbitration should be appointed. Their replies are under examination. I am not yet in a position to say whether a Court of Arbitration will be appointed or when it will meet. The terms of reference, which have been put tentatively to the Governments concerned, will require very careful consideration.

LOOMS AND WEAVERS THROWN OUT OF WORK IN SALEM, MADRAS PRESIDENCY.

308. *Mr. M. Ananthasayanam Ayyangar: (a) Has the attention of Government been drawn to a communication in the *Hindu* of the 21st of November, 1935, that 10,000 looms and two lakhs of weavers have been thrown out of work in Salem in the Madras Presidency owing to the importation of Japanese Khada or shirtings in pieces and to their being dyed and sold as sarees at low prices?

(b) Are Government aware that Salem has been producing sarees for a large portion of Southern India?

(c) What steps, if any, have Government taken or propose to take in this matter?

†This question was not put by the questioner.

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

(c) Government understand that the existing unemployment among handloom weavers in Salem—which incidently is on a very much smaller scale than that suggested in part (a) of the question—is due, apart from trade depression, not only to competition from Japanese imports but also from mill made cloth manufactured in India itself. The question as to what steps can usefully be taken to enable the handloom industry to meet this competition is under the consideration of the Local Government.

Mr. S. Satyamurti: What is the information in the possession of Government with regard to the extent of the distress, which the Honourable Member said is not so great as is suggested in clause (a) of the question?

The Honourable Sir Muhammad Zafrullah Khan: About 5,000 looms.

Mr. N. V. Gadgil: Does the Honourable Member know that it has similarly affected the handloom industry in the Sholapur and Ahmednagar districts of the Bombay Presidency?

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

Dr. Ziauddin Ahmad: Do the Government of India think that the Local Government will be able to protect this handloom industry against the mill industry? Is it not an all-India question?

The Honourable Sir Muhammad Zafrullah Khan: It is both hypothetical and asking Government to express an opinion on what might be the result of certain measures adopted.

Dr. Ziauddin Ahmad: This is really the legitimate function of the Government of India and not of the Local Government—to devise a method to protect the handloom industry as against the mill industry.

Sir H. P. Mody: Not against the mill industry, but against Japan.

The Honourable Sir Muhammad Zafrullah Khan: I am sure that on several occasions I have explained as to what steps the Government of India are taking with regard to assistance to the handloom industry.

Mr. S. Satyamurti: What are the steps which Government are now considering, and do they include an increase of protective duties against Japanese *gadida* which is really most effectively competing with the handloom weavers so far as the Madras Presidency is concerned?

Mr. N. V. Gadgil: Including Bombay also.

The Honourable Sir Muhammad Zafrullah Khan: Government will have to wait and see how measures that might be adopted by the Local Government affect the situation.

Mr. S. Satyamurti: What can the Local Governments do? Will the Honourable Member kindly enlighten the House as to what are the steps which the Government of India expect the Local Governments to take, except by relieving distress?

The Honourable Sir Muhammad Zafrullah Khan: There is a short notice question on this matter to which I have undertaken to reply tomorrow morning. I may be able to supplement my reply on that occasion.

INDIAN CIVIL SERVICE OFFICERS.

309. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): (a) What is the number of I.C.S. officers in India?

(b) Who are regarded amongst them as juniors?

(c) Is there any fixed period of service or age for juniority?

The Honourable Sir Henry Craik: (a) According to the latest Civil Lists the total number of I.C.S. officers is 1,145.

(b) Those who are below the rank of District Magistrate or District Judge and draw pay on the junior time-scale may be regarded as juniors.

(c) No; promotion to the senior scale depends on the occurrence of vacancies therein and the fitness of the officer but a member of the I.C.S. normally officiates in that scale after completing five years service.

Mr. Lalchand Navalrai: Will the Honourable Member tell me how many of them are Europeans and how many Indians?

The Honourable Sir Henry Craik: I am afraid, I cannot answer that question offhand.

TRAINING OF JUNIOR INDIAN CIVIL SERVICE OFFICERS IN THE OFFICES OF THE ACCOUNTANTS GENERAL.

310. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): (a) Is it a fact that 40 junior officers from the I.C.S., will be deputed for special training in Accountant-General's office in the various provinces and that only two of those will be Indians?

(b) Why is this small number of Indians to be selected?

(c) Why is the above selection confined to the I.C.S., and no officers taken for the above training from the Provincial Civil Service?

The Honourable Sir James Grigg: (a) No.

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

DETERIORATION IN THE BALANCE OF TRADE.

311. ***Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): (a) Will Government be pleased to state whether the balance of trade so far as merchandise is concerned (taking gold out of consideration) has deteriorated in the past few years; and if so, what the different causes to which this deterioration is due are?

(b) Is it due exclusively or mainly to the fall of world prices of primary commodities? If not, what are the other causes?

(c) What steps, if any, has the Honourable the Finance Member since his assumption of office taken to improve the balance of trade? If not, do Government propose to take any step in the near future?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member is referred to the reply given by me to Mr. Satyamurti's starred question No. 282, on the 11th September, 1935, and the supplementary questions and answers arising therefrom.

Mr. S. Satyamurti: What is the answer to clause (c) of the question?

The Honourable Sir Muhammad Zafrullah Khan: The whole question was discussed in detail on a previous occasion. It covers two or three pages, and the steps taken by Government are detailed therein, but there are no special steps taken by the Honourable the Finance Member separately.

Mr. S. Satyamurti: Do the Government of India realise that the balance of trade is going against India this year?

The Honourable Sir James Grigg: Not at all. It is improving.

The Honourable Sir Muhammad Zafrullah Khan: It is better than last year's.

PLAN FOR THE DEVELOPMENT AND IMPROVEMENT OF AGRICULTURE.

312. ***Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): Will Government be pleased to state:

(i) whether they have considered the advisability of issuing instructions to the provinces for the preparation of a ten-year or five-year plan for the development and improvement of agriculture;

(ii) whether any action has been taken by Government towards the preparation of such a plan; and

(iii) whether any expert opinion has been obtained or is proposed to be obtained with respect to such a plan?

Sir Girja Shankar Bajpai: (i) and (ii). The Honourable Member is presumably aware that agriculture is a transferred provincial subject. Initiative in the matter referred to by him rests with Local Governments. The Government of India are not aware of any provincial plans of improvement of the nature mentioned in the question. Unostentatious but useful work is, nevertheless, being carried on in most Provinces. In the domain of Agricultural Research the Government of India are playing a not unimportant rôle: during the last six years they have placed over Rs. 90 lakhs at the disposal of the Imperial Council of Agricultural Research for promoting such research. Ten lakhs have been placed at the disposal of Provincial Governments for expenditure on organizing Cane-Supply Societies and cognate objects, and out of the Rs. one crore given for rural uplift to provinces Rs. 18,56,000 will be spent on schemes of agricultural development and improvement.

(iii) Research work is carried out by experts. To assess the value of work on the crop side financed by grants from the Imperial Council of Agricultural Research whether in progress or contemplated, it is intended to have a scientific stock-taking shortly and the question of improving the dairy industry, especially in rural areas, will also be investigated.

Mr. M. Asaf Ali: What steps are being taken to bring culturable waste land under the plough?

Sir Girja Shankar Bajpai: My Honourable friend, Dr. Bhagavan Das, has a question on that subject which, I think, will come up in a couple of days, and I propose to answer it then.

CONTRIBUTION, POSITION AND STATUS OF INDIA IN THE LEAGUE OF NATIONS.

313. ***Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): (a) What is the precise position and status of India in the League of Nations? Has she got a free vote like any other members? Has she the same rights and privileges in all matters as other members?

(b) Have Government taken any step for getting India's contribution to the League of Nations reduced on the occasion of the preparation of a revised scale of allocation?

(c) What has been the result of the representations by the Government of India for an increase in the number of Indians employed in the League's organisations?

(d) Has there been any improvement in the emoluments of Indian employees?

(e) Are Government aware that there is a feeling of resentment in India on the position of India in relation to the League of Nations?

(f) If India has got no free Vote, have Government considered the advisability of withdrawing from the League? Have the Government of India in any event urged that this fact should be the important factor in determining her contribution to the League of Nations?

The Honourable Sir Nripendra Sircar: (a) India as a signatory named in the Annex is an original member of the League under the operation of paragraph 1 of the 1st Article of the Covenant. She has a free vote under paragraph 4 of Article 3 of the Covenant and has the same rights and privileges as any other member.

(b) Yes. A memorandum stating India's case for a reduction of her contribution has been presented to the Committee on Allocation which has been charged with the task of preparing a revised scale.

(c) I have explained in reply to a number of previous questions that opportunity for increasing the number of Indians occurs only on the occasion of vacancies. Though there has been no recent increase in the number of Indian employees it may be assumed that it was due to representations made by the Government of India that the League authorities have arranged to appoint two Indians in two recent vacancies resulting from the death of one and the resignation of another Indian employee.

(d) I regret that I am unable to understand the purport of the Honourable Member's question. Indian employees of the League are not on differential rates of pay but like all other employees draw the pay attached to the posts which they hold.

(e) Government are aware that the position of India in the League is viewed with dissatisfaction in certain quarters.

(f) As India has a free vote, neither part of the question arises.

Mr. S. Satyamurti: May I know what is meant by India having a free vote? Does it mean that every time the representatives of India take their instructions from the Government of India direct, and do not take their instructions from Great Britain?

The Honourable Sir Nripendra Sircar: The question was answered by me only yesterday—that a brief is prepared by the Government of India and the Secretary of State for India in consultation, and that brief being with them, they exercise their discretion of voting in the way they like, having regard to the brief.

Mr. S. Satyamurti: Has India ever differed from Great Britain in any questions coming before the Assembly of the League of Nations?

The Honourable Sir Nripendra Sircar: This question was put to me yesterday, and I said that I was not prepared to produce the correspondence between Great Britain and India in the public interests.

Mr. S. Satyamurti: My Honourable friend answered this question "Has she got a free vote like any other member" by saying "Yes". In elucidation of that answer, I am now seeking to find out whether, as a matter of fact, India, as a member of the League of Nations, at any time voted in a manner different from Great Britain, either in the meetings of the Assembly or of the Council of the League.

The Honourable Sir Nripendra Sircar: I am sorry I misunderstood the question. As a matter of fact, in the International Labour Conference, India has very frequently differed from Great Britain.

Mr. S. Satyamurti: I am talking of the League of Nations dealing with international disputes, disputes between nations who are members. I am wanting to know whether with regard to international policy, India at any time differed from Great Britain.

The Honourable Sir Nripendra Sircar: I do not understand this international policy with reference to the League of Nations, but what I do understand is that the International Labour Conference is part of the League of Nations.

Mr. S. Satyamurti: May I know how India voted with regard to the Italo-Abyssinian dispute and the oil sanctions? Did India agree not to enforce the oil sanctions and were the Government of India consulted in the matter and did the Government of India represent that Indian opinion does not favour oil sanctions against Italy for the present?

The Honourable Sir Nripendra Sircar: If my friend will put down a question, I will give an answer. My friend is not correct in making that assumption.

Mr. S. Satyamurti: I am simply asking how India voted about the enforcement of oil sanctions.

The Honourable Sir Nripendra Sircar: I want notice of that question.

CONSTITUTION OF A JOINT STANDING MACHINERY ON RAILWAYS.

314. ***Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): (a) Have Government formulated their views and proposals regarding the constitution of a joint standing machinery on Railways as recommended by the Whitley Commission?

(b) If the answer to part (a) be in the affirmative, do Government propose to consult the All-India Railwaymen's Federation before coming to a final decision and will they kindly lay the same on the table?

(c) If the answer be in the negative, when do Government propose to arrive at a decision?

The Honourable Sir Muhammad Zafrullah Khan: (a) to (c). The matter is still under consideration.

AMALGAMATION OF RAILWAYS AS RECOMMENDED BY THE POPE COMMITTEE.

315. ***Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): (a) Have Government considered the question of amalgamation of Railways as recommended by the Pope Committee? If so, what step has been taken to give effect to the recommendations? If not, when do Government propose to come to a decision?

(b) Apart from the practical difficulties, if any, of the problem, do Government accept the principle of amalgamation?

The Honourable Sir Muhammad Zafrullah Khan: (a) The question of re-grouping of Indian State Railways in order to effect a reduction in the total number of railway systems has been under the consideration of Government for some time. No effective steps can be taken towards this till most if not all of the Company-managed Railways are transferred to State-management, so that a final decision depends to a large extent on whether it is found financially desirable to terminate existing contracts when they fall due.

(b) This is one of the questions in which principles cannot be divorced from practical considerations.

Mr. S. Satyamurti: What is the latest date on which the last Company-managed Railway can be taken over by the Government?

The Honourable Sir Muhammad Zafrullah Khan: The 31st December, 1950, for the Bengal Nagpur Railway.

Mr. S. Satyamurti: May I ask whether Government will not take any steps till the 31st December, 1950, to amalgamate the railways under their control so as to effect some saving of expenditure? Do Government realise that they lose five crores of rupees on railways every year?

The Honourable Sir Muhammad Zafrullah Khan: That is not at all a fair inference from what I have said in answer to this question and what I stated yesterday in the debate on the Resolution in regard to the Bengal and North Western Railway and the Madras and Southern Mahratta Railway.

Mr. S. Satyamurti: May I know then when Government propose to come to a conclusion on the point raised in this question, so as to effect some saving in railway expenditure?

The Honourable Sir Muhammad Zafrullah Khan: I have already replied that it depends upon the question of the acquisition of some, if not all, of the Company-managed Railways.

Mr. S. Satyamurti: How many more railways do they want to acquire, before they decide to tackle this question finally and effectively?

The Honourable Sir Muhammad Zafrullah Khan: I think the Honourable Member was very much interested when I said yesterday that the amalgamation of the Madras and Southern Mahratta and the South Indian Railways was quite feasible.

TERMINATION OF CONTRACTS WITH COMPANY-MANAGED RAILWAYS.

316. ***Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): Will Government be pleased to state when will the existing contracts with the different company-managed Railways terminate?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member is referred to part (a) of the reply given to question No. 788 on the 9th March, 1955.

MANUFACTURE OF LOCOMOTIVES IN RAILWAY WORKSHOPS IN INDIA.

317. ***Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): Have Government prepared a memorandum on the question of locomotive manufacture in Railway workshops in India? If so, will Government be pleased to lay it on the table?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir.

Mr. S. Satyamurti: Why not, Sir?

The Honourable Sir Muhammad Zafrullah Khan: They were in the course of preparing a memorandum when this House took the opportunity of discussing the question on the floor of the House. In the course of the debate on the Resolution, I did point out that Government had intended to prepare a memorandum and place the matter before the Standing Finance Committee, but Government were glad that the opportunity was taken to discuss the matter on the floor of the House.

Mr. S. Satyamurti: Have Government considered the Resolution of this House? Have any steps been taken?

The Honourable Sir Muhammad Zafrullah Khan: I explained that in detail in the debate on the Resolution last Session.

Prof. N. G. Ranga: Has any action been taken since then?

(No answer.)

INDIANS IN THE TEA CESS COMMITTEE.

318. ***Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): (a) Is it a fact that out of the 12 employees in the Tea Cess Committee drawing a salary of Rs. 500 and over Rs. 500, only one is Indian and the rest European? If so, will Government be pleased to state if these eleven European employees possess such qualifications as are not to be found in Indians?

(b) In view of the acute unemployment amongst highly educated and qualified Indians are Government prepared to consider the urgency of confining appointments in future to Indians?

(c) Were any applications invited when Messrs. W. H. Miles and B. G. Halton were appointed as Commissioner and Inspection Superintendent respectively? Were there many other candidates? What was the principle on which these two gentlemen were selected?

(d) What are the duties performed by the

- (i) Superintendents;
- (ii) Assistant Superintendents;
- (iii) Inspectors; and
- (iv) Sub-Inspectors?

The Honourable Sir Muhammad Zafrullah Khan: (a) The facts are as the Honourable Member has stated. Government have no reason to believe that the eleven European employees were appointed for reasons other than their special qualifications.

(b) I would point out that appointments on the staff of the Tea Cess Committee are made by the Committee itself. I understand, however, that the Committee is fully impressed with the desirability of appointing Indians on its staff.

(c) Applications were not invited by the Committee. Mr. W. H. Miles was appointed Commissioner for India on the staff of the Committee with effect from the 1st November, 1933. The vacancy was not publicly advertised as the Committee had already before them a list of likely candidates from whom Mr. Miles was selected for the post as the most suitable candidate having regard to his previous experience and qualifications. Mr. B. G. McHatton was appointed as an Assistant Superintendent on the staff of the Committee in July, 1924, and was selected from among a large number of candidates whose applications were at that time registered with the Committee. Mr. McHatton's selection was decided on the basis of his previous experience, his qualifications and his general suitability for the work. His promotion to his present post of Inspection Superintendent has followed as a result of his efficient and satisfactory service with the Committee.

(d) A statement is laid on the table showing the duties performed by the Superintendents, the Assistant Superintendents, the Inspectors and the Sub-Inspectors on the staff of the Tea Cess Committee.

Statement showing the duties performed by the Superintendents, the Assistant Superintendents, the Inspectors and the Sub-Inspectors on the staff of the Indian Tea Cess Committee.

(i) *Superintendents.* The Tea Cess Superintendent's normal charge is one division which may consist of as many as 24 Demonstration Parties. The strength of the Demonstration Party varies according to the size and requirements of the town in which it is stationed. The normal constitution is:

Three Demonstrators,
Three Attenders,

but in some cases it is necessary to have parties of more than double this strength.

The duties of a Superintendent are to supervise and control the work of a division constituted as above. He is responsible for the maintenance order, discipline, and efficiency of the staff under his control. He is in charge of the Divisional Office to which all reports and returns from Demonstration Parties are directed and is responsible for collecting and submitting such returns in proper form to Head Office in Calcutta. The greater portion of his time, however, is spent on tour amongst the demonstration parties under his control for it has been found that the efficiency of Tea Cess Demonstration work as at present being carried out depends very largely upon constant and frequent inspection by the higher authority.

(ii) *Assistant Superintendents.* An Assistant Superintendent, where appointed, acts as personal assistant to his immediate superior, the Superintendent. His duties are practically identical with those of the Superintendent except that he works under the orders and direction of the latter Official. He tours independently so as to increase the frequency of Divisional Office inspection and in general assists the Superintendent in carrying out the duties of controlling the work of the division.

(iii) and (iv). *Inspectors and Sub-inspectors.* The duties of the Inspectors and Sub-inspectors are in most cases identical, the Sub-inspector grade being the training ground for the higher grade. These men are placed in charge of Demonstration Parties. Their duties consist of maintaining order and discipline within the party and generally of supervising the work in connection with the distribution of free tea. They are personally responsible for the purchase of all ingredients necessary for the making of the tea, and have charge of all Tea Cess property. They maintain constant touch with the trade in the area in which they are working with the object of ensuring that there is at all times, an adequate supply of good cheap tea available to satisfy the demand of the consumer.

Dr. T. S. S. Rajan: Are there any Indians in the Tea Cess Committee as members?

The Honourable Sir Muhammad Zafrullah Khan: I believe there are.

PROTECTION OF THE NEW INDIA STEAM NAVIGATION COMPANY FROM UNECONOMIC COMPETITION.

319. ***Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): (a) Are Government aware that a Steam-Ship Company has recently been started by Indians under the name of New India Steam Navigation Company and that their S.S. "Cape St. Francis" is plying between Calcutta and Rangoon?

(b) Have Government considered the desirability of taking effective steps to protect this new industry from uneconomic competition?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government have seen reports to that effect in the newspapers.

(b) Government do not see how that question arises.

INSTRUCTIONS TO MILITARY COMMANDS FOR CO-OPERATION IN THE RURAL RECONSTRUCTION PROGRAMME.

320. ***Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): (a) Is it a fact that Army Headquarters have issued instructions to all Military Commands asking them to co-operate with all the civil authorities in respect of the rural reconstruction programme? If so, will Government kindly lay the same on the table?

(b) What is the ultimate object of this movement on the part of the military authorities?

Mr. G. R. F. Tottenham: (a) Yes, Sir. I lay on the table a copy of the memorandum issued by the military authorities.

(b) The object is stated in paragraph 1 of the memorandum.

COPY OF A MEMORANDUM FROM THE CHIEF OF THE GENERAL STAFF, ARMY HEADQUARTERS, INDIA, TO THE GENERAL OFFICERS COMMANDING-IN-CHIEF, COMMANDS, AND THE COMMANDER BURMA (INDEPENDENT) DISTRICT, No. 38561/1/M. T.-2(a), DATED THE 9TH OCTOBER, 1935.

Rural Reconstruction in the Army.

The Civil Government is at present engaged in an intensive campaign of Rural Reconstruction with the general object of persuading the villager to improve his methods of farming and standard of living, so that in spite of low prices and other disadvantages, he may lead a happier and healthier life.

The importance to the Army of healthier village populations from which to draw their recruits needs no emphasis, and it is realized that much is already being done in some stations to help on this work.

Every year approximately 1,850 soldiers are transferred to the Reserve, and as many again retire on pension. A large proportion of these return to the Punjab. These ex-soldiers, in view of the training and discipline which they have received in the Army, should be better citizens than non-enlisted men. In practice it is found that, although they have been taught the rudiments of hygiene and have enjoyed a higher standard of living over a period of years than is available at their homes, they soon revert to type and are generally no more capable of improving the amenities of life in their villages than are the ordinary villagers.

It is probable that to link up with the Civil Rural Reconstruction movement and do our best to interest and instruct the serving soldier in improving his conditions of living and farming is the best contribution the army can make to the solving of the new problems presented by the short service system.

It has been decided that in order to raise the standard of living of ex-soldiers, not only in the Punjab, but also in all districts from which recruits are drawn, it is necessary for instruction in the rudiments of Rural Reconstruction to be given to men while they are actually serving with the Colours. Conditions vary in different parts of India, but the elementary principles of sanitation, and the necessity for improving the standard of living remain constant. The suggested methods for implementing the above decision are outlined below with a view to obtaining the co-operation of all concerned.

2. *Introduction of Rural Reconstruction as a subject in the Educational Training of the Indian Army.* (a) Rural Reconstruction will be included as part of the syllabus for the Citizenship and General Knowledge papers for the Indian Army 2nd and 1st Class Certificates of Education; it is also intended that a selected Roman Urdu Reader shall be used in the Roman Urdu Subjects of both the 2nd Class Certificate and Part A (Practical) of the Indian Army 1st Class Certificates examinations. Educational Training, India, Section 26, paragraph 3 (ii) and (v) and Section 27, paragraph 23 will be amended accordingly, in due course.

(b) The book "Citizenship in India, its Privileges and Duties", which was issued on a small scale in 1923 and is at present a recommended book for the Indian Army Special Certificate examination, vide Educational Training, India, page 90, will be re-written and distributed on a wide scale in both English and Roman Urdu. It will then be adopted as a text book for the Citizenship and General Knowledge papers for the Indian Army 2nd and 1st Class Certificates of Education.

(c) The book "Socrates Persists in India" will be combined with the pamphlet "Pits" and translated into Roman Urdu. It will then be distributed on a wide scale and become the official text book for the Roman Urdu portions of the 2nd Class and Part A of the Indian Army 1st Class Certificates examinations, in place of the training manuals at present used for this purpose.

(d) Unit Education Instructors will attend refresher courses for Civilian Schoolmasters and demonstrations, where these can be held in the unit's station, see paragraphs 4 (d) and 5 (b) below.

3. *Instruction of Indian Military Academy Cadets and Pupils at the King George's Royal Indian Military Schools.* In order that pupils at the King George's Royal Indian Military Schools may learn the importance of the subject before joining their units, and that Cadets at the Indian Military Academy may be taught how to lecture on this after joining, the Commissioner for Rural Reconstruction, Punjab Government (Mr. F. L. Brayne, M.C., I.C.S.), and his assistants, will visit and deliver lectures at the Indian Military Academy, Dehra Dun, each term, and the King George's Royal Indian Military School, Jhelum and Jullundur, whenever possible. He will also arrange for other speakers to visit these institutions at the request and convenience of the military authorities concerned.

4. *Formation of local committees.* It is suggested that in each Military station a local committee be formed to co-ordinate instruction in Rural Reconstruction. In each case the committee might consist of the Brigadier or Station Commander, representatives of units, officers of services and departments, e.g., Royal Engineers, Medical, Grass Farms, Dairy Farms, while representatives of local civil authorities and departments should be invited to co-operate. The functions of committees will be as follows:

(a) To form a direct link with the local civil authorities engaged in Rural Reconstruction and (in the Punjab) with the Commissioner, Rural Reconstruction, and in other provinces with whoever is employed by Government to co-ordinate this work throughout the province.

(b) To co-ordinate instruction in units, and to arrange for demonstrations of improved methods of agriculture and building at local Grass and Dairy Farms; lectures and distribution of literature.

(c) By keeping in touch with local civil authorities to make what use is possible of their farms, demonstrations exhibitions, competitions, travelling cinemas and lecturers, classes, courses, and where possible to assist by arranging for the attendance of Regimental Bands, etc.

(d) To arrange for the attendance of instructors at local refresher classes and generally to do everything possible to stimulate interest in and to provide opportunities for learning about rural reconstruction.

(e) To provide material for officers before they proceed on District tours and to stimulate interest in Rural Reconstruction among officers so that they may be able to assist in lecturing, demonstrating, etc.

5. *Assistance to be given to Punjab Committees by the Commissioner, Rural Reconstruction, Punjab.* (a) As a first step, Mr. Brayne will visit all Cantonments in the Punjab to help in the formation of Committees and give advice regarding methods of procedure. In the Northern Command he will, subject to the concurrence of G. O. C.-in-C., arrange his programme direct with the Brigadier, General Staff.

(b) Timely intimation of all civil training classes, civil demonstrations and exhibitions will be given and should then be published in District, Brigade and Unit Orders.

(c) Committees will be kept informed of all touring cinemas and magic lantern lectures etc., so that they can arrange for the attendance of military personnel.

(d) Propaganda literature on Rural Reconstruction issued by civil authorities will be provided to committees for issue to units recruiting in the area to which it applies.

(e) The Commissioner, Rural Reconstruction, Punjab, or his assistants, will lecture at all stations in the Punjab.

(f) Part of the Delhi Wireless Programme will be allotted to the Punjab Government for Rural Reconstruction purposes.

6. In addition to the above, (a) A series of articles will be published in the *Fauji Akhbar*. The Editor of this paper will arrange for a local correspondent in Lahore to collect news direct from the office of the Commissioner, Rural Reconstruction Lahore. This local correspondent should be a member of the Lahore Station Committee. In addition, Regimental Journals will be provided with material for articles.

(b) All local Governments will be asked to invite all departments and district officers concerned with Rural Reconstruction to co-operate with these committees in every way possible so that the best advantage may be taken of the Government Rural Reconstruction efforts.

(c) Wherever possible, Regimental Thrift Societies should be linked with the Civil Co-operative system so that serving personnel may understand the system on which the latter works.

(d) In some districts village newspapers are published under the auspices of the local authorities. The subscription is approximately Rs. 3 per annum and Recruiting Officers, after consulting civil officers will, if desired, send sample papers to each unit recruiting in the area of each newspaper.

7. It must be realized that no money can be made available from Army Funds, with the exception of the free issue of the books mentioned in paragraph 2 above, for the purpose of imparting instruction. The civil authorities will provide all the help they can, but any instruction and demonstrations must of necessity be of the type that can be carried out within the limits of each station.

The success of the scheme will depend upon the interest taken in it, and on the co-operation given by each local military commander.

SEPARATION OF POSTS AND TELEGRAPHS DEPARTMENT.

321. *Mr. N. V. Gadgil (on behalf of Mr. Akhil Chandra Datta): Have Government come to any decision with regard to the separation of Posts and Telegraphs Department? If not, when is the decision likely to be reached?

The Honourable Sir Frank Noyce: Government have no proposal for the separation of the Indian Posts and Telegraphs Department into two or more departments but as the Honourable Member is no doubt aware the accounts of the four constituent branches of the Department are prepared and published separately. If, however, the Honourable Member refers to the allocation of joint revenue and expenditure between the postal and telegraph branches I would refer him to the speech I delivered in this House on the 3rd April, 1935. I explained then that the existing methods of determining the revenue and expenditure of each branch had been evolved over a long period in consultation with experts and added that the description of the methods in use had been submitted to the Public Accounts Committee. As a result of the further investigations carried out at the instance of that Committee it is generally accepted that those methods are fair to the branches concerned but certain simplifications in procedure have been adopted.

DEATHS DUE TO STARVATION AND INCOME OF CERTAIN PEOPLE IN INDIA.

322. *Mr. N. V. Gadgil (on behalf of Mr. Akhil Chandra Datta): Will Government be pleased to lay on the table a statement showing:

- (a) the total number of deaths in India due to starvation, year by year, during the last five years 1930—34;
- (b) the total number of people in India who had no two square meals a day year by year during the last five years 1930—34;
- (c) the total number of people in India who during these years, year by year had a daily income of
 - (i) less than two annas;
 - (ii) less than four annas; and
 - (iii) less than eight annas; and
- (d) the total number of Indians year by year who had no house of their own during the years 1930—34?

Sir Girja Shankar Bajpai: (a) to (d). It is not possible to comply with the request made by the Honourable Member as no information is available.

Mr. S. Satyamurti: Will Government call upon the Local Governments to supply the information?

Sir Girja Shankar Bajpai: As far as I am aware, the only machinery that Local Governments have is to collect information regarding deaths from starvation in the event of famine. In ordinary times, as far as I know, they have got no machinery to collect the information.

AVERAGE INCOME OF AN INDIAN AND A MAN FROM THE UNITED KINGDOM RESIDING IN INDIA.

323. *Mr. N. V. Gadgil (on behalf of Mr. Akhil Chandra Datta): (a) Will Government be pleased to state what the average income of an Indian in any one year during 1933-34 was, leaving out of account those Indians whose income was 2,500 and above?

(b) What was the average income of a man from the United Kingdom residing in India in any one year during 1930—34?

The Honourable Sir James Grigg: Data are not available from which a calculation could be made.

Prof. N. G. Ranga: Will Government ascertain the data?

The Honourable Sir James Grigg: No, Sir.

Mr. S. Satyamurti: Have Government seen statements published from time to time giving the average income of Indians?

The Honourable Sir James Grigg: I have seen, I think, something in Sir Walter Layton's chapters in the Simon Commission's Report in which he stated the average income or rather made certain references to calculations of the average income of all the inhabitants of India.

Mr. S. Satyamurti: Will Government consider the question of inventing some machinery by which we can get very important economic facts, so as to judge of the progress, if any, in the average income of an Indian?

The Honourable Sir James Grigg: I think such machinery would be extremely expensive; and I think there are other more urgent things on which the Government of India could spend their money.

Mr. T. S. Avinashilingam Chettiar: Is not such a machinery in existence in England and other countries?

The Honourable Sir James Grigg: There is a very highly developed machinery in England connected with the income-tax returns which produces a lot of statistics, but these, as I have the best reasons for knowing, are kept confidential.

Mr. S. Satyamurti: Will Government consider this question?

The Honourable Sir James Grigg: Well, except in so far as it is covered by Sir Walter Layton's report, no.

Mr. T. S. Avinashilingam Chettiar: Is not such a machinery necessary in order to find out the true average income of an Indian?

The Honourable Sir James Grigg: That is a matter of opinion.

PERCENTAGE OF ILLITERATE INDIANS AND BOYS AND GIRLS NOT SENT TO SCHOOLS.

324. ***Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): Will Government be pleased to lay on the table a statement showing for the year 1933:

(a) the percentage of Indians who were quite illiterate to the entire population;

(b) the percentage of Indian boys below 12 who were not sent to any school; and

(c) the percentage of Indian girls below 12 who were not sent to any school?

Sir Girja Shankar Bajpai: (a) The attention of the Honourable Member is invited to Tables XIII and XIV of the Census of India, 1931, Vol. I—India, Part II—Imperial Tables, which give the latest figures available about illiteracy in India. A copy of the Tables is available in the Library of the House.

(b) and (c). The information asked for by the Honourable Member is not readily available.

Mr. S. Satyamurti: Will Government take steps to collect the information, especially as it is a very serious charge that boys and girls below twelve are not attending any school?

Sir Girja Shankar Bajpai: Sir, the question concerns the percentage of Indian boys and girls below twelve who were not sent to any school. As far as I can make out, it should be possible to make a rough and ready calculation, but the percentage changes from year to year, and one does not know whether it is worth while collecting statistics of that character.

Mr. S. Satyamurti: As a matter of policy, do not Government take an interest in the spread of elementary education in this country?

Sir Girja Shankar Bajpai: My Honourable friend realises as well as I do that education is a provincial subject, and I have no doubt that Local Governments, compatibly with their resources, are doing what they can to spread elementary education.

Mr. S. Satyamurti: Have Government any information as to the areas where compulsion is enforced at the present time for children up to eleven or twelve?

Sir Girja Shankar Bajpai: I believe that information on that subject is available in the Quinquennial Review of the Educational Commissioner with the Government of India, but I can verify that and let my Honourable friend know.

STATISTICS ABOUT INFANT MORTALITY.

325. ***Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): Have Government any machinery for collection of statistics about infant mortality? If so, will they be pleased to lay on the table a statement shewing:

(i) the number of deaths of Indian children under six months, one year, two years, and five years respectively in the year 1933; and

(ii) the rate of infant mortality in India in 1933?

Sir Girja Shankar Bajpai: The Central Government have no such machinery: the Public Health Commissioner with the Government of India brings together such information as the Local Governments, who are primarily concerned with the subject, provide. The Honourable Member will find this in paragraph 8 of volume I of the Annual Report of the Public Health Commissioner with the Government of India for 1933, copies of which are available in the Library of the House.

ENACTMENT OF A LEGISLATION TO PREVENT DEATHS FROM STARVATION AND EXPOSURE.

326. ***Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): Are Government prepared to consider the advisability of enacting legislation to prevent death from starvation and exposure?

Sir Girja Shankar Bajpai: The matter is primarily one for Local Governments who will doubtless deal with it if the problem referred to by the Honourable Member is at all acute.

DEFICIT IN RAILWAY BUDGET.

327. *Mr. N. V. Gadgil (on behalf of Mr. Akhil Chandra Datta): (a) With reference to the following statement made by the Honourable Sir Muhammad Zafrullah Khan in answer to starred question No. 152 on the 5th September, 1935, will Government kindly state what the tentative suggestions referred to therein were, namely?

"A meeting was held between the Honourable the Finance Member, the Agents of the Railways, Members of the Railway Board and myself, sometime ago when this question was discussed, and tentative suggestions were made. The Agents were asked to consider those suggestions in detail and any others that might occur to them or be sent to them, and the question would be more fully discussed with the Agents next October".

(b) Have the Agents of Railways submitted their opinion with regard to those suggestions? Has any decision been reached about reduction of working expenses and increase of revenue? If so, what are they?

The Honourable Sir Muhammad Zafrullah Khan: As the House is aware, my Honourable colleague, the Finance Member, and I had meetings with the Railway Board and with the Agents of Railways in July and in October last year. These meetings were convened for the purpose of discussing with the Railway Board and with Agents what steps could be taken to improve the financial position of railways. Various suggestions were then made for alterations in rates and fares, which were scrutinised by the railway administrations. I regret I cannot give details of the various proposals considered, but I can say that the action already taken by railway administrations, or proposed to be taken by them in the very near future, is expected to increase railway revenues by about a crore. Apart from suggestions for alterations in rates and fares, attention was drawn in the meetings to certain other measures which it was considered were essential if the financial position of railways were to improve. Among these latter, the most important were the following:

- (1) The problem of the ticketless passenger and the necessity for an amendment of the Railways Act to provide for more stringent penalties on such travelling, which was estimated as producing a loss to railways of a very considerable amount.
- (2) The question of road motor competition and the necessity of persuading Provincial Governments to regulate motor transport and restrict uneconomical competition between railways and road vehicles, to use available funds for the construction of feeder roads in preference to competitive roads, and to refrain from action likely to prejudice the railways, such as the imposition of a tax on travellers to places of pilgrimage going by rail where such tax is not imposed upon people travelling by road.
- (3) The reduction in 1935 of the surcharge on coal traffic and the rebate granted on export coal even to Indian ports which was responsible for a considerable amount of loss in revenue to railways.
- (4) The necessity of sustained efforts to check methods of defrauding railways, such as by underweightings and misdeclarations of consignments which, it was feared, were responsible for large losses of railway revenues at present.
- (5) The continuation of job analysis and of efforts to reduce expenditure in all directions: and, in selecting persons for retrenchment, adopting the criterion of comparative inefficiency and not of length of service for discharge.

Mr. S. Satyamurti: Apart from the measures in connection with job analysis, has my Honourable friend considered or are the Government of India now considering any other means of reducing the working expenses of Railways?

The Honourable Sir Muhammad Zafrullah Khan: I should have thought I had made this reply as complete as possible.

Mr. S. Satyamurti: Well, I followed it as carefully as I could. The question consists of two parts,—the reduction of working expenses and the increase of revenue. Unless my ears deceive me, ninety per cent. of the answer was about the increase of revenue. I am now asking a question with regard to the reduction of working expenses. My friend referred to the item of job analysis, among others. I am asking whether, apart from these, Government are considering or the Conference have considered any other suggestions for reducing the working expenses.

The Honourable Sir Muhammad Zafrullah Khan: Government have impressed upon Agents the necessity of scrutinising every item of expenditure continuously and to effect reductions wherever possible.

Mr. S. Satyamurti: Has my Honourable friend heard from any Agent of any saving of expenditure of even a lakh of rupees on a single Railway?

The Honourable Sir Muhammad Zafrullah Khan: During the last few years, working expenses have been reduced by six crores.

Mr. S. Satyamurti: Is there anything doing this year?

The Honourable Sir Muhammad Zafrullah Khan: I could not possibly say till the results of this year are scrutinised.

Mr. S. Satyamurti: As regards persuading Local Governments in the matter of the rail-road competition, may I know if my Honourable friend is considering the question of taking power to regulate this rail-road competition, if persuasion fails?

The Honourable Sir Muhammad Zafrullah Khan: That will have to be considered when persuasion does fail.

Mr. S. Satyamurti: How long will the Honourable Member wait?

The Honourable Sir Muhammad Zafrullah Khan: Government intend to have a conference on this matter shortly after they are free from their duties in connection with the Legislature.

RAIL-ROAD COMPETITION AND COMFORTS TO THIRD CLASS PASSENGERS.

328. *Mr. N. V. Gadgil (on behalf of Mr. Akhil Chandra Datta): (a) Have Government laid down any policy on the question of rail-road competition both as to passengers and goods traffic? If so, what it is?

(b) Have any steps been taken recently for increasing the comfort and convenience of third class passengers? If so, what are the improvements made?

The Honourable Sir Muhammad Zafrullah Khan: I would refer the Honourable Member as regards (a) to the reply given to Mr. Lalchand Navalrai's question No. 23 on the 5th February, 1935, and as regards (b) to Chapter VII of the Railway Board's Report for 1934-35.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

329. *Sirdar Jogendra Singh: (a) Will Government be pleased to state if the point raised in starred question No. 333, dated the 22d March, 1934,—i.e., whether personal waiting upon an Officer Commanding, or on the Resident, or on the Chairman of a Soldiers Board Committee, and whether the granting of a *Jangi Inam*, in consequence of such waiting by a claimant, does not amount to the preferment of a war pension claim in time, and whether full arrears should not be granted in such cases—has been answered? If so, how and on what date?

(b) If the above mentioned question was not answered till the last session, in what way have such claims under Recommendation No. VII been disposed of? Have they been kept pending?

(c) Do Government intend that the principle underlying Recommendation No. V of the War Pension Committee, should have effect from 29th September, 1929? If so, why?

Mr. G. R. F. Tottenham: (a) The Honourable Member's attention is invited to the statement which was laid on the table on the 19th July, 1934.

(b) Does not arise.

(c) No.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

330. *Sirdar Jogendra Singh: (a) Is it the intention to give effect to Recommendation No. XVII with effect from 20th April, 1932?

(b) In what way have the Government Orders on recommendation No. VII, as given in brackets [A pension sanctioning authority may grant full arrears, if he is satisfied with the explanation for the delay (Government orders:) The first part of this Recommendation is in conformity with the existing practice] been correctly applied in this instance?

(c) Will Government please state clearly what sort of claims will be admitted by their orders on Recommendation No. VII?

Mr. G. R. F. Tottenham: (a) No.

(b) In the case to which I believe the Honourable Member refers Government being dissatisfied with the explanations of the individual concerned, exercised the discretion to which reference is made in that part of the orders on Recommendation VII which the Honourable Member has not quoted, and limited the arrears to the 20th April, 1932, the date of his only traceable application for the revision of his pension.

(c) I am not prepared to suggest hypothetical claims, but I can assure the Honourable Member that each case is sympathetically considered on its merits.

RECOMMENDATIONS OF THE WAR PENSIONS COMMITTEE.

331. *Sirdar Jogendra Singh: (a) Will Government be pleased to state if it is a fact that in giving their assent to some of the Recommendations of the War Pensions Committee, the Home Government was not consulted?

(b) Is it not the Secretary of State for India who frames, amends, or changes rules governing war pensions?

(c) Is it a fact that the Secretary of State objected to the incurring of any further liability on account of war pensions, and the whole question of assent referred to in part (a) above, is under reference to the Secretary of State?

(d) Is it not a fact that the question of incurring further liabilities is not yet decided, and pending such decision claims under different Recommendations are being rejected?

(e) Is it not a fact that Government accepted Recommendation No. IX of the War Pensions Committee in the words given in brackets (..... —but the Government have no objection to allowing the old rules and rates to be applied in those cases, if any, where they would be more favourable to the individual) and it is awaiting the sanction of the Secretary of State for India, vide letter No. G./3/1978, dated the 15th February, 1934, of the Deputy Controller of Military Pensions?

(f) Have Government any reasons to advance that Recommendation No. IX, would involve more money than Recommendations Nos. V, VII, and XII?

(g) If the reply to part (f) be in the affirmative, will Government please state if Recommendations quoted in part (f) have not been referred to the Secretary of State, or have they got the sanction of the Home Government already?

(h) If the reply to part (f) above be in the negative, will Government please state why out of a dozen Recommendations of the War Pensions Committee, Recommendation No. IX, has been picked out for the approval or assent of the Secretary of State for India?

(i) Will Government please lay a copy of the correspondence which passed between them and the Secretary of State in connection with such Recommendations as have been accepted by the Government of India?

Mr. G. R. F. Tottenham: (a) Yes.

(b) The Secretary of State prescribes the principles which govern these pensions.

(c) and (d). No.

(e) No. The sanction of the Secretary of State was received in the middle of 1934.

(f) No. The number of cases falling under Recommendation No. IX has proved very small indeed.

(g) Does not arise.

(h) Recommendation No. IX was not the only one that required the sanction of the Secretary of State. It was not necessary for the Government of India to address the Secretary of State on matters which were within their own powers to deal with.

(i) No.

RECOMMENDATIONS OF THE WAR PENSIONS COMMITTEE.

332. *Sirdar Jogendra Singh: (a) Is it not a fact that the Field Controller of Military Pensions, Poona, interpreted that the Recommendations of the War Pensions Committee do not apply to claims of family pensions?

(b) Is it not a fact that the Deputy Controller of Military Pensions *vide* his letter No. G-3/3610, dated the 6th December, 1933, interpreted Recommendation No. VII, read with Recommendation No. XXI 'that Recommendation No. VII relates to a general principle as to what the Pension Sanctioning Authority may grant.....Government have nowhere in their orders on the Recommendations of the War Pensions Committee conceded to re-open the question of arrears in cases where they have already limited them to a certain period with due regard to financial and other considerations for which they still retain discretion'?

(c) Will Government please state whether the phraseology of Recommendation No. XXI given in brackets (Claims which have been rejected, should be re-examined in the light of any changes now decided on) was used in the sense so as to exclude claims rejected by Government as per interpretation of the Pension Controller given in part (c) above, and whether it is not a fact that for all practical purposes, Government have concurred in the view and have refused revision of the amount of arrears finally, *vide* Mountain Artillery Training Centre letter No. R./23/1/168, dated the 1st August, 1934?

(d) Is it not a fact that Government have themselves put in certain conditions on revision of claims dealt by them, *vide* an India Army Order issued in June, 1934, which is worded as having been issued in amplification of Recommendations of the War Pension Committee?

Mr. G. R. F. Tottenham: (a) Not so far as Government are aware.

(b) to (d). It is true that the Pension Controller in Lahore began by interpreting the orders on Recommendation No. VII in the sense stated. As soon as this was realised all Pension Controllers were notified that Government desired even cases where they themselves had already fixed the amount of arrears to be forwarded for their consideration if new facts or special reasons were adduced by the applicants. This intention was also made known in the Indian Army Order referred to. The Controllers were instructed to review all cases in the light of this intention and the individual case referred to was so reviewed. As no new fact or special reason had been adduced, it could not be entertained.

RECOMMENDATIONS OF THE WAR PENSIONS COMMITTEE.

333. *Sirdar Jogendra Singh: (a) Is it not a fact that the amplification Order of the Government on Recommendation No. VII imposes two conditions on claims to arrears of pensions, namely: (i) that fresh facts not previously considered should be brought forward, (ii) or special reasons adduced—and if the Deputy Controller of Military Pensions, and Officer Commanding are satisfied that the claimant has succeeded in satisfying the conditions, his claim will be forwarded?

(b) Is it not a fact that Government have usually quoted no reasons for the rejection of claims, and claimants have no means to know what fact was not considered by them previously and what special reasons were, previously, not attended to?

(c) Do Government intend to retain the new conditions, and call them 'Instructions, in amplification of their previous orders on recommendations of the War Pensions Committee'?

(d) Is it a fact that (i) granting of gratuity *vice* an invalid pension, (ii) partial admission of a claim in the first instance, (iii) granting of an *Inam vice* pension, (iv) granting of provisional pensions for limited periods in the first instance, (v) refusal and silence, on the part of Government, of petitions, have not been considered as amounting to the preferment of claim within the terms of the parenthesis used in Recommendation No. VII given here in brackets, and accepted by Government unconditionally (A claim put forward in consequence of any decision on the part of Government to re-open certain classes of cases is not to be deemed 'belated')?

(e) Is it not a fact that total blindness, total paralysis, minority, and other such disabilities are not, and have not been considered as a satisfactory explanation for the delay for the purpose of the first part of Recommendation No. VII?

(f) With what explanation will be the Pension Sanctioning Authority be satisfied? Will Government please give an example?

Mr. G. R. F. Tottenham: (a) Yes.

(b) No.

(c) Yes.

(d) to (f). I am not prepared to quote hypothetical cases. I can, however, assure the Honourable Member that all applications are considered on their merits and Government are always ready to interpret their rules with sympathy and to make allowance for any reasonable degree of failure to comply with them.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

334. *Sirdar Jogendra Singh: (a) Will Government be pleased to state if their intention is not to apply the Recommendations of the War Pensions Committee as they stood?

(b) Is it not a fact that the first part of Recommendation No. XII was accepted in the words given here in the brackets (If there is any evidence on record to show that a man was discharged on medical grounds, the onus should lie on the Government to show that he should not receive a pension)?

(c) Is it not a fact that the Controller of Military Pensions has applied the language quoted in part (b) above by expanding the language *vide* his letter No. G-3/4648, dated the 9th July, 1934, as given in brackets (The entry on the discharge certificate as 'medically unfit' does not conclusively prove that the individual was discharged on account of any specific disability connected with service, as it is known that during the War a large number of men were discharged as medically unfit not being up to the physical standard required, malingering, retarding the cure of disability, etc. The bare statement of the N. C. O. that he contracted the disability on field or foreign service cannot be accepted, and some reasonable evidence should be adduced in support of his claim. The principle

that notwithstanding the fact that personal documents are missing, such evidence could be produced in all genuine cases, has been accepted by the Government of India also)?

(d) Is it the intention of Government to go back on the accepted phraseology of Recommendation No. XII, as quoted in part (b) above, and throw the 'onus' on to the individuals, even in cases where the records show that they were discharged 'on medical grounds'?

(e) Is it not the intention of Government to frame facts 'in issue' as in civil cases and then prove or disprove them?

(f) Are Government not aware that the pre-committee medical boards had given their finding in accordance with the definition of the term 'attributable to military service' given in Medical Regulations?

Mr. G. R. F. Tottenham: (a) Government have been acting upon the orders they issued on those recommendations, and will continue to do so.

(b) and (c). Yes.

(d) The answer to the first part of the question is in the negative. As regards the second, the attention of the Honourable Member is invited to the reply given to unstarred question No. 76 on the 21st February, 1934.

(e) No.

(f) I cannot understand this part of the question. If the Honourable Member has any particular case in mind, I shall be only too glad to furnish the necessary details.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

335. ***Sirdar Jogendra Singh:** (a) Is it not a fact that the Post-War Medical Boards were held to adjudicate the term 'attributable to military service', and not the term 'contracted on' field or foreign service, which had been decided by the War Medical Board [Authcity statement laid on the table on the 15th September, 1932, in reply to unstarred question No. 141 (a) and (d), dated the 9th March, 1932]?

(b) In what way do these two Medical Boards, i.e., the War Medical Boards, and the Post War Medical Board, support each other, especially when they were assembled to opine on two different points as admitted by Government in their statement quoted in part (a) above?

(c) Is it not a fact that the men deputed on field service were examined by Government experts before such deputation, and after a service of years on the field were invalided by Government medical officers as unfit for field operations?

(d) What is the definition of the term 'not aggravated by field or foreign service' and to what extent Government are prepared to respect the expert opinion of their medical officers mentioned in part (c) above, against the opinion of a Medical Board stating that the disease was chronic, that it was not contracted on field or foreign service, and that it was not aggravated by such service?

(e) Are Government aware that the definition of the term 'aggravation' is as given in the brackets here? Is it the intention to restrict its application to the British personnels only (A disease shall not be deemed

to be aggravated by military service, or by active service as the case may be, unless it was contracted before the date of mobilization, and was and remains worsened by such service)?

Mr. G. R. F. Tottenham: (a) Yes.

(b) The War medical board normally declared the nature of the man's disability and whether it was contracted on or attributable to field or foreign service. (See paragraph 1053, Army Regulations, India, Volume I—1915). Such information is obviously of the utmost assistance to a post war medical board which is required firstly to say whether the individual is still suffering from the original disability, secondly whether that disability was attributable to military service (although this is of course a formality if the previous board had certified to that effect) and thirdly to assess the percentage of disablement.

(c) Yes.

(d) The term means what it says and I cannot define it further. In no case would Government over-rule the opinion of a properly constituted medical board without first consulting the highest military medical authorities in India.

(e) No. In so far as Indian troops are concerned the date of mobilization has no significance. The criterion is that a disability must have been aggravated by *military service*, that is to say, a disease may have been present on enlistment, but it must have been made worse by the conditions of military service, and not merely by the passage of time.

RECOMMENDATIONS OF THE WAR PENSIONS COMMITTEE.

336. ***Sirdar Jogendra Singh:** (a) Will Government please state if some decision is arrived at, as promised in their orders on Recommendation No. II on the point as to what extent the powers of Medical Boards to express opinion regarding attributability should be limited? If not, when is it likely to be reached?

(b) Has some decision been arrived at on Recommendation No. XV about which Government said that an announcement will be made in due course?

(c) Are Government aware that the period of the two years given under Recommendation No. VI is to expire, and the decision will be of little avail, if a further extension is not given?

(d) Do Government contemplate giving time?

Mr. G. R. F. Tottenham: (a) I assume that the Honourable Member is referring to Recommendation III. Government have carefully considered this part of the Recommendation and have decided that it would be inadvisable for the following reason to limit the powers of Medical Boards as suggested. Medical Boards are called upon to give an opinion on the medical aspects of the case to help the pension sanctioning authority to decide whether attributability should be conceded. If any restrictions were imposed on the expression of this opinion, it is not unlikely that the pension sanctioning authority would not have at his disposal the full advice of the medical expert which is so necessary to the disposal of pension cases of this kind, and that as a result the interests of the applicant might be adversely affected.

(b) The Secretary of State has agreed to the continuance of pensions in cases where a widow marries her deceased husband's brother, and orders will shortly be issued on the subject.

(c) and (d). Government are aware of the situation, but see no reason to extend the two years' limit, having regard to the small number of cases that have been represented during that period.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

337. *Sirdar Jogendra Singh: (a) Is it not a fact that old rules of family pensions which provided a pension for 12 years only to fathers of deceased sepoys, in certain cases, were superseded by the new rules introduced in 1917?

(b) Is it not a fact that the new rules provide for a life pension to a father after the age of 50 years?

(c) Is it not a fact that there are cases in which the new rules have not been applied, and pensions discontinued, and the Military Accountant General ruled that continuance is not eligible (M. A. G. letter No. 396-At./B./2775, dated 6th January, 1931, and D. C. M. P. letter No. G-4/2750, dated 5th July, 1934)?

(d) Is it not a fact that Government have not given reasons for the rejection of claims referred to them, notwithstanding Recommendation Nos. II, and XXI (II) (g) (i)?

(e) Is it not a fact that the view of the Army Department is and has been that Recommendations of the War Pensions Committee are not applicable to them, and that the only words that they may use are: 'He is not eligible for a disability, or family pension'?

(f) Is it not a fact that the principles accepted under different Recommendations of the War Pensions Committee needed the assent of the Home Government to which the war pensions are charged?

(g) What extra liability was estimated as a result of the acceptance of the Recommendations of the War Pensions Committee, and what number of sepoys and their families have benefited so far?

(h) Will Government please lay on the table a complete statement showing how many claims have been admitted under each Recommendation and with what arrears?

Mr. G. R. F. Tottenham: (a) and (b). Yes.

(c) The new rules were not applicable to cases in which the individuals concerned were already drawing pensions for 12 years under the old rules. The particular case referred to by the Honourable Member was one of the latter and was not covered by any recommendation of the War Pensions Committee. Any grant to the individual concerned would have had to be made as an act of grace on compassionate grounds.

(d) and (e). No.

(f) No, nor is it the case that all the extra cost resulting from the acceptance of the recommendations of the War Pensions Committee is borne by the Home Government.

(g) As far as I have been able to ascertain there have been 31 cases involving an extra recurring expenditure of Rs. 4,600 in which claims have been admitted as a result of the recommendations of the Committee.

(h) The total number of claims submitted has been about 275, whereas the total number of War Pensions being paid is in the neighbourhood of 57,500. This fact in itself bears out the contention of Government at the time when the Committee was constituted that there was no very wide-spread grievance.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

338. *Sirdar Jogendra Singh: (a) Will Government please state if it is a fact that the time-limit for putting in war pension claims was fixed seven years in England, *vide* War Pensions Act of 1921, and the same limit was allowed to Indian ranks in 1926, when most of the claims had become time-barred?

(b) Why, in the War Pensions Committee, while discussing Recommendation No. VII, did they emphasise on the three years' limitation?

(c) Are Government aware that in Army Instructions they have put the last date for time barring disability claims as 1st July, 1932, as per Recommendation No. VI, and A. I. I. No. 53 of 1932, but they have been time barring claims which were preferred in 1920, and acknowledged (*vide* Officer Commanding Labour Corps Depot, Bhimtal, letter No. 385/11/P.A., dated 29th April, 1920, Field Controller, Poona, letter No. 372/5/AIXX/V, dated 20th June, 1925, and dozens of other acknowledgments prior to the last date fixed by the Government)? Is it a fact that the Government of India, Army Department, have upheld the Adjutant General's decision about the claim being time-barred, *vide* their letter No. B./6398/14 (A.G.14), dated 27th April, 1934?

(d) Is it not a fact that one of the methods adopted by the Army authorities for rejecting disability pension claims is to state, in absence of the original board's proceedings and medical history sheets, that the present disability of the claimant is not connected with the one he sustained on field service? In what way do they know the original disability to give a finding that the present disability is in no way connected with the one sustained on the field?

Mr. G. R. F. Tottenham: (a) and (b). The position was fully explained in paragraph 21 of the report of the War Pensions Committee, to which I have nothing to add.

(c) No, the Army Department letter quoted dealt with a particular case in which after exhaustive consideration under the recommendations of the War Pensions Committee it was found that the individual had no title to a disability pension. It merely confirmed that decision, which was not based on the fact that the claim was time-barred.

(d) No. Claims are always carefully considered and decided with reference to all the evidence available.

Mr. M. Asaf Ali: Is any list maintained at the headquarters of all those who sustained injuries on the field?

Mr. G. R. F. Tottenham: I do not think a list is maintained here in the Army Headquarters, but a list of pensions is maintained in the office of the Controller of Pensions?

Mr. M. Asaf Ali: If any list is maintained of those who sustained injuries on the field, it should be possible for the headquarters pension office to issue certificates to them, so that they may, when claiming pension on that ground, take advantage of such a certificate to prove their injuries?

Mr. G. R. F. Tottenham: What we are considering now is what happened during the Great War. It is because there was some doubt whether certain people who claimed disability pensions on account of the War ought or ought not to get pensions, that a War Pensions Committee was set up. If a certificate had been clearly issued to every man who was injured during the war, the matter would have been put beyond doubt and there would have been no necessity to have a committee on the subject.

ACTION TAKEN AGAINST INDIANS IN MESOPOTAMIA.

339. ***Dr. Ziauddin Ahmad:** (a) Will Government be pleased to make a statement about the action taken by the Mesopotamian Government against the Indians?

(b) What action have the Government of India taken on the decision of the Mesopotamian Government?

(c) What is the value of the property in Mesopotamia owned by the Indians?

Sir Aubrey Metcalfe: (a)—(b). Presumably the Honourable Member has in mind the 'Labour Protection Law' proposed to be introduced by the Iraq Government. This measure has not yet been passed by the Iraqi Legislature. Government are, however, doing all they can to protect the interests of Indians in Iraq.

(c) Slightly more than £500,000.

INCREASE IN THE PRICE OF MATCHES.

340. ***Dr. Ziauddin Ahmad:** (a) Is it a fact that consumers used to purchase 130 match sticks for one pice?

(b) Is it not a fact that the consumers now get only 40 match sticks for one pice?

(c) How is this additional money realised from the consumers on account of increase in price by $3\frac{1}{2}$ times distributed among the Government, manufacturers and middlemen?

Mr. A. H. Lloyd: (a), (b) and (c) Government are not in possession of detailed information regarding the retail prices of matches of different qualities before and after the imposition of the excise duty. The proposals originally put forward by Government in this House were designed to add exactly one pice to the price of a box of matches containing not more than 80 sticks, the whole of which increase in price was to go to the revenue. These proposals were modified by the Select Committee to which the

Bill was referred. The Select Committee was anxious to secure that a box of matches should be purchaseable for one pice including the tax and the tax on this size of box is now a fraction of the lowest unit of currency. It is, therefore, not possible to say that the whole of the increase in price has been secured by way of revenue but I must leave it to my Honourable friend to calculate exactly what additional margin has been left to the trade in respect of any particular quality of matches. I have no doubt that his qualifications are equal to the task.

Mr. Lalchand Navalrai: Does the Honourable Member know that they do not put 40 sticks in a box, but invariably less, and yet they charge one pice?

Mr. A. H. Lloyd: I am prepared to take it from the Honourable Member; the tax is on a box containing not more than 40 matches.

Dr. Ziauddin Ahmad: Is it not a fact that the sound policy of taxation is that whatever taxes are put on the consumer, nearly the whole of it ought to go to the Government, barring the charge of collecting the revenue? Is it not bad form of taxation if Government got only $\frac{1}{4}$ or $\frac{1}{2}$ of what the consumers pay?

Mr. A. H. Lloyd: That is a matter of opinion, although I am prepared to say that my opinion inclines to that of the Honourable Member.

Dr. Ziauddin Ahmad: If so, then, is it not the duty of Government to find out the effect on the retail price of any measure of taxation which they may impose in order to find out whether the whole of the taxes came to Government or whether a small fraction was actually received by Government?

Mr. A. H. Lloyd: If I may apply that question to this particular case, it is difficult to see how any information as regards the retail price of matches could, in view of the currency limit of one pice, be made the basis of any practical change.

Dr. Ziauddin Ahmad: Is it or is it not

Mr. President (The Honourable Sir Abdur Rahim): These are matters of opinion.

Dr. Ziauddin Ahmad: One thing I should like to ask, and it is very important. Whenever a duty is imposed on a particular article, we have to judge in the following year whether the duty was a *bond fide* one or not, and the only way in which we can judge it is by finding out how much of the tax has come to Government and how much has gone to other parties. Is it or is it not the duty of Government to place these facts before us?

Mr. A. H. Lloyd: I do not think, broadly speaking, that that can be said to be the duty of Government.

Sir Cowasji Jehangir: Does the Honourable Member mean to say

Mr. President (The Honourable Sir Abdur Rahim): Order, order; next question.

PROTECTION OF THE TRADING RIGHTS OF INDIANS IN NATAL AND TRANSVAAL.

341. ***Mr. C. N. Muthuranga Mudaliar:** (a) Has the attention of Government been drawn to an article by 'Seafarer' in the *Hindustan Times* of 29th September, 1935 in which it is said that numerous cases of applications by Indians for trading licenses have been refused by the licensing authorities in Natal and Transvaal?

(b) What steps do Government propose to take to protect the trading rights of their nationals in Natal and Transvaal?

Sir Girja Shankar Bajpai: (a) Yes.

(b) The Agent General in South Africa has been asked for a report of the facts.

Mr. C. N. Muthuranga Mudaliar: May I know the reason for such refusal?

Sir Girja Shankar Bajpai: I have said that I am not yet in possession of the facts; I have asked for them.

Mr. S. Satyamurti: When did the Honourable Member ask for them?

Sir Girja Shankar Bajpai: On receipt of the question.

Mr. C. N. Muthuranga Mudaliar: Will Government supply the answer on ascertaining it?

Sir Girja Shankar Bajpai: Yes, if the House wishes, certainly.

RETENTION OF THE PRIVILEGE OF ELECTION BY INDIANS IN FIJI.

342. ***Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that in Fiji Legislative Council Indians have been given the right to elect three representatives to the Council?

(b) Is it a fact that the European Members of the Council recently got passed a resolution recommending to the Secretary of State for India the abolition of this privilege of election?

(c) If the answer to part (b) be in the affirmative, do the Government of India propose to take steps to urge on the Secretary of State for India the retention of this privilege of election by Indians?

Sir Girja Shankar Bajpai: (a) Yes.

(b) There are two Resolutions on the subject—one was moved by the Senior Indian Member of the Legislative Council and the latter one by a European Official Member. On the latter Resolution four out of the six non-official European members voted for it.

(c) The attention of the Honourable Member is invited to the reply given by me on the 6th February, 1936, to Mr. Satyamurti's starred question No. 100.

OFFICERS OF THE LEAGUE OF NATIONS AND CONTRIBUTIONS BY DIFFERENT COUNTRIES.

343. ***Mr. C. N. Muthuranga Mudaliar:** Will Government please state:

(a) the total number of officials of all grades in the service of the League of Nations in its different departments, *viz.*, League Secretariat, International Justice, etc.;

(b) the total number of such officials belonging to each country that is a member of the League of Nations;

(c) the total amount drawn as salary per annum by such officials belonging to each country that is a member of the League of Nations;

(d) the total income and expenditure per annum of each country that is a member of the League of Nations;

(e) what the various factors are that are considered by the League Assembly in determining the annual contribution to the League of Nations of each State Member; and

(f) the official position, length of service, qualifications and salary of each Indian who is in the service of the League of Nations in any of its departments?

The Honourable Sir Nripendra Sircar: (a), (b) and (c). The Honourable Member is referred to pages 1092 to 1121 of the League of Nations Official Journal, 16th Year, No. 10 of October, 1935, a copy of which is in the Library. I may just add that an identical question was answered by me last week.

(d) The Honourable Member is referred to pages 273 to 281 of the Statistical Year Book of the League of Nations for 1934-35, a copy of which is in the Library.

(e) The existing scheme of allocation is based on the report of the Allocation Committee of 1925 which proceeded upon the principle of capacity to pay, but did not disclose the data relied upon for the conclusions reached on the basis of that principle.

(f) Official positions and salaries are stated on pages of the Journal to which I have referred in my reply to part (a). Information as to length of service and qualifications is not readily available.

Dr. Ziauddin Ahmad: Is it not a fact that in the same pages already referred to there are shown six Indians, and four of them are temporary?

The Honourable Sir Nripendra Sircar: If my Honourable friend has made that calculation, I am not in a position to contradict him. If it is six, it must be six. (Laughter.)

Dr. Ziauddin Ahmad: Is it not desirable that the Honourable Member should actually calculate and find out whether it is not a fact that the number is very small and most of them are temporary?

The Honourable Sir Nripendra Sircar: I am taking advantage of my Honourable friend's calculation, and accepting it as six. I have answered question at least six or seven times as to why there is no increase in the number of Indians and what steps have been taken. I cannot add anything to the answers I have given on the previous six occasions.

CONTRIBUTION BY INDIAN STATES TO THE LEAGUE OF NATIONS.

344. ***Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that ever since the Treaty of Versailles in 1919, Indian Princes or their nominees always formed part of the delegation nominated by the British Government to represent India at the League of Nations?

(b) What portion of the contribution made by the Government of India to the League of Nations is defrayed annually by the Indian States?

(c) If no contribution has been made till now by the Indian States, do Government propose to consider the advisability of levying a contribution from the Indian States in view of the representation enjoyed by the States so far on the delegation?

The Honourable Sir Nripendra Sircar: The Honourable Member is referred to the reply given to question No. 193 asked by Sardar Mangal Singh on the 10th February, 1936.

RESTORATION OF THE RIGHT OF COLLECTING SALT FOR PERSONAL USE IN THE MADRAS PRESIDENCY.

345. ***Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that in June 1935, the Sub-Magistrate of Chingleput, Madras Presidency, convicted a batch of persons consisting mostly of Harijans of both sexes, on the charge of collecting and keeping in possession salt earth at the southern portion of the Poonjeri swamp near Mahabalipuram?

(b) Is it a fact that a fine aggregating to Rs. 450 was imposed upon these Harijans?

(c) Are Government aware that in and about these swamps mostly poor Harijans live and that they collect salt only for their own personal consumption and not for the purpose of traffic in salt?

(d) Are Government prepared to consider the advisability of restoring to these poor villagers the right to collect salt for personal use?

The Honourable Sir James Grigg: (a) and (b). I am aware that there have been a number of convictions for breaches of the Salt Act and have no desire to question the accuracy of the figures given by the Honourable Member.

(c) Government are aware that salt has been collected for their personal use by poor villagers of the neighbourhood. There has also, however, been a very extensive traffic in salt carried away to more distant places and this abuse became so serious that the concession had to be withdrawn.

(d) For reasons that have already been explained in this House it is not possible, when widespread abuse occurs, to take any other action than complete withdrawal of the concession.

Mr. M. Ananthasayanam Ayyangar: May I know what is the extent of the damage or inconvenience?

The Honourable Sir James Grigg: Does the Honourable Member want a calculation of the revenue loss?

Mr. M. Ananthasayanam Ayyangar: Yes, Sir.

The Honourable Sir James Grigg: I do not know, but it is even more a question of fairness to the manufacturers of salt.

Mr. C. N. Muthuranga Mudaliar: Is it possible for such a great traffic to be carried on, by taking salt earth and making salt out of it?

The Honourable Sir James Grigg: I understand from the local authorities that there has been a widespread abuse of the concession.

TRAINING OF JUNIOR INDIAN CIVIL SERVICE OFFICERS IN THE OFFICES OF THE ACCOUNTANTS GENERAL.

346. ***Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that Government have decided to depute about 40 Junior Indian Civil Service Officers for special training in the Accountant Generals' Offices in the various Provinces?

(b) How many of them are Indians and how many Europeans?

The Honourable Sir James Grigg: (a) No.

(b) Does not arise.

SUBSTITUTION OF CONTRIBUTORY PROVIDENT FUND FOR PENSION.

347. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will Government state what the present position is in respect of the proposal to substitute contributory provident fund system for pension which was debated upon some years ago in the Council of State?

(b) What do Government propose to do in respect of officers and inferior staff who die before they are able to enjoy their pensions and whose families are left destitute for want of a bread-winner?

(c) Are Government aware that the fund for giving compassionate grants to such families is inadequate and are they prepared to increase the amount granted from this fund and also increase the number of persons to whom it is granted each year?

(d) Will Government lay on the table a statement showing how many applications have been received during the past five years for grants from this fund and how much was actually granted in each case?

The Honourable Sir James Grigg: (a) I would refer the Honourable Member to the answer given to unstarred question No. 32 on the 25th February, 1933, and the summary then laid on the table.

(b) As was mentioned in the summary referred to Government decided that the existing pension system must remain in force. A suggestion has been made that for new entrants it might be made compulsory to subscribe to the General Provident Fund or take out a State insurance policy. Government have not yet come to a final decision on the proposal.

(c) Government do not consider that the annual grant to the Compassionate Fund is inadequate. In 1930 it was raised from Rs. 20,000 to 40,000 and in 1929 the similar grant for the Posts and Telegraphs Department was raised from Rs. 20,000 to 50,000. These increases automatically increased the number of cases helped from the Fund each year.

(d) Government regret that the collection of the information asked for would involve an enormous amount of time and labour which would be incommensurate with its value.

APPOINTMENT OF INDIANS IN THE CYPHER BUREAU IN THE FOREIGN AND POLITICAL DEPARTMENT.

348. ***Mr. C. N. Muthuranga Mudaliar:** Will Government state what is the present position in respect of the Cypher Bureau in the Foreign and Political Department and whether Indians are eligible to be appointed in that section?

Sir Aubrey Metcalfe: The position is that the Government of India still await the introduction of certain new codes before making 12 Noon: any substantive appointment of an Indian in a vacancy in the Cypher Bureau. A beginning has, however, been made by posting an Indian for preliminary training in the use of Cyphers.

Mr. T. S. Avinashilingam Chettiar: How many officers are now working in the Bureau?

Sir Aubrey Metcalfe: I could not give you the exact number without notice.

Mr. T. S. Avinashilingam Chettiar: Why is there only one Indian?

Sir Aubrey Metcalfe: I have explained that there is at present one Indian posted there for training.

GOVERNMENT OF INDIA DEPARTMENTS DEBARRING INDIANS FROM ANY APPOINTMENT.

349. ***Mr. C. N. Muthuranga Mudaliar:** Will Government say if there are any offices in the Government of India Secretariat or in any office subordinate to the Government of India where in theory or in practice Indians as such are debarred from any kind of appointments in favour of Anglo-Indians or Goanese?

The Honourable Sir Henry Craik: With the exception of the posts in the Central Cypher Bureau under the Foreign and Political Department, which are at present reserved for Europeans and Anglo-Indians, there are no posts in the Government of India Secretariat or its subordinate offices at headquarters from which Indians as such are excluded in favour of Anglo-Indians or Goanese.

Mr. C. N. Muthuranga Mudaliar: Why is the Foreign and Political Department alone made an exception?

Sir Aubrey Metcalfe: I have explained a great many times that it has been necessary, because in the Cypher Bureau are used certain codes which do not belong to the Government of India, and the Government of India are, therefore, compelled to comply with the requests made by His Majesty's Government in that respect.

Mr. S. Satyamurti: Do His Majesty's Government say that they do not want Indians employed there?

Sir Aubrey Metcalfe: His Majesty's Government are entitled to make a rule as to who shall use the codes which belong to them.

Mr. S. Satyamurti: Have they said that Indians shall not be employed there?

Sir Aubrey Metcalfe: Obviously, otherwise Indians would be employed.

Mr. S. Satyamurti: I am glad to hear that.

Mr. N. M. Joshi: May I ask the Government of India whether, if any prohibition is imposed against the employment of Indians in this office by Great Britain, it is not inconsistent with the provisions of the Government of India Act which prohibits any discrimination against Europeans in India?

The Honourable Sir Nripendra Sircar: That is asking for opinion on an alleged point of law.

Sir Cowasji Jehangir: Are all those employed Anglo-Indians?

Mr. N. M. Joshi: Statutory.

Sir Cowasji Jehangir: If that is so, then the answer that Indians are not appointed to this Bureau is not correct.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to part (a) of starred question No. 36 asked by Mr. Amarendra Nath Chattopadhyaya on the 3rd September, 1935.

APPOINTMENTS OF SUCCESSFUL EX-APPRENTICES OF THE EAST INDIAN RAILWAY WORKSHOP, LILLOOAH, IN OTHER WORKSHOPS.

(a) The answer to the first part of the question is in the affirmative.

As regards the second part, the number of vacancies which occurred since the 1st January, 1934, is 56 and the names of the 25 ex-apprentices who have been appointed against these vacancies are:

S. Banerjee.
Mritunjoy Roy.
R. J. Carr.
H. K. Mukherjee.
Mohd. Yusuf.
S. A. Nilsen.
Ram Ch. Dutt.
S. N. Verma.
B. N. Mishra.
N. L. Sackett.
Panchanan Mukherjee.
Mohd H. Ansari.

S. B. Mukherjee.
A. D. Thomas.
O. G. P. Gallaghan.
K. L. Mehrotra.
S. K. Sanyal.
H. C. Banerjee.
J. N. Basu.
G. A. Smith.
G. W. Ashe.
N. D. Haty.
K. M. Basu.
P. N. Dutt.

[12TH FEB. 1936.]

Information promised in reply to unstarred questions Nos. 55 and 60 asked by Dr. N. B. Khare, on the 4th February, 1936.

WATCH AND WARD DEPARTMENT ON THE EAST INDIAN RAILWAY.

55. (a) Yes.

(b) No.

(c) Because the officers concerned are entitled to the old scales of pay under the rules. As regards the latter part the answer is in the affirmative.

(d) The original post of Superintendent is being abolished but the post of Deputy Superintendent is being retained and re-designated "Superintendent".

(e) This is a matter of detailed administration which has been left to the discretion of the Agent.

APPOINTMENT OF STAFF ON OLD SCALES OF PAY INSTEAD OF NEW SCALES ON THE EASTERN BENGAL RAILWAY.

60. (a) and (b). The reply is in the affirmative, but I would add for the Honourable Member's information that the revised scales of pay though having effect from 16th July, 1931, were not actually introduced till 1st October, 1934, when the employees referred to in the question to whom they applied were brought on to them.

(c) The appointments were made by the Head of the Department concerned through the Establishment Branch of the Head Office, which is under the control of the Deputy Agent (Personnel).

Information promised in reply to unstarred questions Nos. 85 and 89 asked by Mr. Muhammad Azhar Ali, on the 4th February, 1936.

INVESTIGATION OF THE CASES OF CLAIMS PREFERRED AGAINST THE EAST INDIAN RAILWAY.

85. (a) Yes.

(b) As the work done by the special Inspector requires technical knowledge in commercial matters, it cannot be made over to the Watch and Ward Department of the Railway.

(c) Police experience is not considered necessary for the efficient discharge of the duties of this Inspector. At the present time there are two police officers employed in the Watch and Ward Department, one of whom is the Superintendent referred to.

(d) The post of special Inspector was sanctioned in 1933 after job analysis of the Chief Commercial Manager's Office had been completed when the necessity for this appointment was recognised by the Agent.

(e) The grade was not enhanced. The appointment was sanctioned in 1933 in the co-ordinated grade of Rs. 160-10-220. As the employee who filled this appointment was governed by old scale of pay, he was fitted into the corresponding equivalent old scale Rs. 160-10-260 according to rules.

(f) The old scale of pay of the post was enhanced with the Agent's approval to Rs. 230-15-350 in 1935 in view of the additional work and responsibility which devolved on the holder of the post.

(g) The fixing of the pay of posts is a matter for the administration, but the Chief Accounts Officer is the financial adviser of the Agent, and in addition is expected to see that any alteration in pay sanctioned by any authority is not beyond the powers of such authority.

(h) I would invite the Honourable Member's attention to my reply to part (b) of his question.

SCALES OF PAY OF STENOGRAPHERS OF HEADS OF DEPARTMENTS ON THE EAST INDIAN RAILWAY.

89. (a) No.

(b) I presume the Honourable Member is referring to the Agent's Stenographer. If so, the reply is in the negative.

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

(e) Yes.

(f) The revised scales of pay for 'confidential stenographers' and 'stenographers' are already uniform for all offices and no further action is necessary.

Information promised in reply to unstarred questions Nos. 96 and 97 asked by Pandit Sri Krishna Dutta Paliwal, on the 4th February, 1936.

RULES FOR THE REMOVAL OF STAFF FROM ONE POST TO ANOTHER ON STATE-MANAGED RAILWAYS.

96. The State-managed Railways are required to adhere to any rules regarding matters referred to in the question which may have been issued by the Governor General in Council, or the Railway Board. This does not, however, prevent them from making a departure from the rules where they are empowered to do so.

GUARDS ON THE EASTERN BENGAL RAILWAY.

97. (a) There were originally two classes with a maximum of Rs. 100 and Rs. 210, respectively. With the introduction of the new scales of pay, there are now three classes, the maximum of each class being Rs. 60, Rs. 85, and Rs. 120, respectively.

(b) Both methods are employed.

(c) There are a number of guards who have been on the maximum pay of the old "A" class for some years but promotion to "B" class has not been retarded to keep down working expenses. The reason is that there has been a reduction in the sanctioned number of "B" class guards owing to a revision of the cadre.

(d) Yes.

(e) As the cadre has been revised and reduction to the revised number is being effected gradually as "B" class guards retire, instead of discharging men in that category, no "vacancies" have actually occurred since the revision.

(f) Since 1930, certain gazetted officers' posts have been abolished or held in abeyance, and this has naturally retarded the promotion of officers as well. There has, therefore, been no differential treatment.

(g) The actual number of guards employed during 1934-35 was 105 "B" class and 250 "A" class against provision of 111 and 245 respectively in the Establishment Rolls. The actuals for 1935-36 are not available yet, but provision has been made for 105 "B" class and 260 "A" class guards in the Establishment rolls.

(h) In view of my reply to part (f), this does not arise.

Information promised in reply to unstarred questions Nos. 102 and 103 asked by Sardar Mangal Singh, on the 4th February, 1936.

REVISED SCALES OF PAY FOR SUBORDINATE STAFF ON THE EAST INDIAN RAILWAY.

102. (a) (i) Yes.

(ii) Yes, with certain exceptions.

(iii) Yes.

(b) The old scales of pay for the following posts on the East Indian and Oudh and Rohilkund Railways before the introduction of the Crew System were as stated below :

	East Indian Railway.	Oudh and Rohilkund Railway.
Head Ticket Examiner	250—10—300	200—10—250
Head Ticket Collector	180—10—230	
Assistant Head Ticket Collector	120—10—160	100—5—120

These posts were, however, abolished on the introduction of the Crew System in 1926.

REVISED SCALES OF PAY FOR SUBORDINATE STAFF ON THE EAST INDIAN RAILWAY.

103. (a) Government are informed that with certain exceptions the new scales of pay given in the circular referred to by the Honourable Member are applicable to subordinates who were not in permanent service prior to the 1st November, 1923.

(b) The ticket collecting and examining staff are an exception referred to in part (a). The reason is that the Moody-Ward scheme of re-organisation entirely superseded from the 1st June, 1931, the previous ticket checking and collecting organisation and the appointments and scales of pay previously existing ceased to exist on the introduction of this new scheme. The staff employed under this scheme were placed on the new scales of pay with the exception that certain employees who held permanent posts in a substantive capacity as travelling ticket inspectors prior to the introduction of the Crew system in 1926 were allowed the option of retaining the scales of pay applicable to the permanent posts held by them in a substantive capacity previously, but when such employees are promoted in vacancies which occur in higher grades they are given the new scales prescribed under the Moody-Ward scheme.

(c) Yes, unless they elected the new scales of pay under the option which was allowed to them.

(d) The ticket examining and ticket collecting staff represented their grievances in this connection and their appeals were carefully considered by Government.

(e) I would invite the Honourable Member's attention to Mr. Rau's reply to Khan Bahadur Haji Wajihuddin's question No. 636 asked in this House on the 20th August, 1934.

(f) None.

MOTION FOR ADJOURNMENT.

CONTRIBUTIONS GIVEN TO THE Y. M. C. A. IN INDIA.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of a motion from Dr. T. S. S. Rajan for adjournment of the Assembly for the purpose of discussing a definite matter of urgent public importance, namely, the unsatisfactory attitude of the Government as revealed by the answer of the Honourable the Home Member to starred question No. 271 and to the supplementary question thereon regarding the giving of contribution or other help to the Y. M. C. A. in India, the Simla Branch of which had refused admission to an Honourable Member of this House on the ground of his wearing Indian costume.

Is this a matter of public importance?

Dr. T. S. S. Rajan (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Yes.

Mr. President (The Honourable Sir Abdur Rahim): I certainly don't think so. I disallow the motion.

THE ARBITRATION (PROTOCOL AND CONVENTION) BILL.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I beg to move for leave to introduce a Bill to make certain further provisions respecting the law of arbitration in British India.

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

"That leave be granted to introduce a Bill to make certain further provisions respecting the law of arbitration in British India."

The motion was adopted.

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

THE PAYMENT OF WAGES BILL.

Mr. President (The Honourable Sir Abdur Rahim): The House will now proceed to further consideration of the Bill to regulate the payment of wages to certain classes of persons employed in industry, as reported by the Select Committee.

Mr. V. V. Giri (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Sir, I explained on Monday the psychology of strikes and lightning strikes. It may not be said and it should not be said that a lightning strike is the right or privilege of the worker; but, at the same time, it has to be said that it sometimes becomes an unavoidable weapon in the hands of workers when the supervisors or employers begin to be hopelessly provocative by acts of commission and omission. I would like, Sir, to refer to some of the instances in which I had occasion to take part. I would like to refer to an association of workers in the Bengal Nagpur Railway, namely, the Bengal Nagpur Railway Union, with which I was connected as President for 15 years. In the year 1926, there was a strike fever or lightning strike fever on that railway. The Union alleged on behalf of the workers maltreatment on the part of the supervising staff, corruption, bribery, assaults, insults, harassments, and so forth. The administration would not take any heed; they entirely relied on their officers and supervisors, feeling that the allegations made by the Union were entirely wrong and ill-founded. After a good deal of agitation on this matter and a number of discharges, dismissals and suspensions of the workers, the Administration felt that it was impossible to cope with the situation unless there was some enquiry into the matter. Thanks to a statesmanlike Agent who was at that time presiding over the destinies of the Railway, it was agreed, on the demand made by the Union which was recognised then and which still continues to be recognised, that a joint committee of the representatives of the Union

[Mr. V. V. Giri.]

and the officers of the Administration should be formed, presided over by a gentleman who still continues to be the Deputy Chief Mechanical Engineer of that Railway, one Mr. Robertson. It was called the Robertson Enquiry Committee. You will be glad to hear, Sir, that on account of the collaboration of that Committee after two months' sitting, it was unanimously held by them that the allegations and the assertions made by the Union were absolutely founded, and the wrongs done to the workers were righted. Similarly, recently there was a case at Dohad where a certain worker died and some of the comrades of that worker in that shop demanded a holiday, so that they could attend to his funeral. The foreman refused to give leave; the workers had to go and they were dismissed. Similarly, Sir, we read recently in the Press also of an occurrence of that character, and not only a lightning strike, but a lockout happened. Therefore, my humble submission is this: it is not by laws or amendments that we can prevent such occurrences. It is only the human touch on the part of the employer, human understandings between the workers and employers, tact on the part of the supervisory staff and businesslike capacity on the part of the employer, that would prevent these lightning strikes occurring. My Honourable friend, Sir Hormasji Mody, asked me a question the other day: "What about strikes in Bombay in 1929?" I did not like to answer him in a detailed manner, because, at that time, I had not that information which I have at the present moment. If strikes and lightning strikes and unrest occurred in Bombay in the year 1929, it was due to the acts of commission and omission on the part of my Honourable friend, Sir Hormasji Mody, and other millowners in Bombay at that time.

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): Is it not a fact that the origin of the strike and everything connected with it was fully inquired into by a Committee presided over by a High Court Judge and the Committee held that it was due to Communist organisation and agitation and that there was no justification for the strike?

Mr. V. V. Giri: I can have my own deductions in the matter even after what the Committee said at the time. At that time, there was a textile union which was managed by moderate and reasonable persons like my friend, Mr. Joshi, and Mr. Bakhle; and the millowners of Bombay refused to recognise that union, because outsiders were connected with that organisation. It is because such things were done and such recognition was not given that Communist organisations came in, and because the Communist organisations came in, the millowners became anxious to encourage the trade union movement; and because the Communists came in, the Fawcett Committee came into existence. All these would have been avoided if only the employers had encouraged the orderly progress of trade union movement, and the trade union movement would have prevented these strikes and lightning strikes in Bombay.

I would here like to refer to the observations made by the Royal Commission on Labour, which observations, I am sorry to say, have been followed more in the breach than in the observance, not only by the employers of labour in India, but by the Government of India themselves. Under the heading "Gulf between Employers and Employed", at pages 339 and 340 of their report, the Royal Commission say:

"The attempt to deal with unrest must begin rather with the creation of an atmosphere unfavourable to disputes than with machinery for their settlement. It is precisely here, in our view, that Indian industrial organisation is weakest. We believe

that an important factor at work in creating industrial unrest in India is the lack of contact which too often exists between employers and employed. . . . In practically every centre and every industry the lack of contact and understanding is evident. In the interests of all concerned, we urge that every effort should be made to bridge the gulf. . . . But it will fail to secure the results it deserves unless much more attention is given to the difficult sphere of human relationships."

Then, again, with reference to the means of establishing contact, the Royal Commission has observed at page 342:

"In considering, therefore, what can be done to prevent misunderstanding and disputes, it is necessary to begin with the individual industrial establishment. No machinery of a more comprehensive or external character can hope to repair the loss which arises from the absence of a proper understanding within the factory or mine. . . . The development of stable trade unions, with access to those responsible for the management is the most obvious need."

Then, again, they observe with respect to the organisation of joint machinery to avoid such unrest:

"The organisation of the employees is as a rule weak; but we believe that in many centres it would suffice to make a start, and the working of joint machinery would go far to strengthen the better elements and to increase that sense of responsibility in trade unions which so many employers are anxious to develop."

Then, again, as regards the conduct of Government in these matters, it was stated as follows:

"There seems a tendency at present for Government to withhold their hand until a dispute has attained serious magnitude and constitutes a threat to the public peace."

That conduct continues on the part of the Government, and, it is because that conduct continues, that many strikes have occurred in India, and consequent bitterness created between employers and workers in this country. The last passage I would like to quote is with respect to neglect of conciliation, referred to at page 347, where they say:

"We would emphasise the fact that the most useful form of State assistance in dealing with trade disputes is scarcely employed in India. The official outlook, like that of the public, has been concentrated largely on the final stages of disputes. As a rule, committees and tribunals have been set up only when disputes had attained considerable magnitude, and when a strike was either imminent or in being. Individual officers, on the comparatively rare occasions when they have intervened, have also waited, as a rule, till the later stages. It is at the climax of a dispute, when the parties have completely failed to reach a common standpoint, that settlement is most difficult."

After the introduction of the Trade Disputes Act, the Government of India established conciliation boards only on four or five occasions, though hundreds of disputes have occurred during this period. That has been the conduct of the Government of India against which we protest strongly: much of the unrest and injustice that has happened is due to the acts of omission and commission on the part of the Government of India.

Now, I would like to say a word or two about the proposed amendment. If it was desired that there should be mere reciprocity or equality in the relationship between the employees and the employers, there would not have been much difficulty; but what the Honourable Sir Nripendra Sircar's amendment desires is that the employer should be allowed to deduct in the first instance from wages what is due; and, then, if the employé failed to agree, he had to go to the authorities and complain. If the common law right of the employer is left as it is, which is absolutely untouched by this

[Mr. V. V. Giri.]

Bill, there would have been no complaint. Our complaint is that the employer is placed in a very advantageous position as compared with the employé. Then comes the threat of the loss of 13 days' wages if notice is not given; even if the workers, on account of a very provocative act on the part of the supervisors, go on a lightning strike for even five minutes, it is likely that the employés would lose up to 13 days' wages. I am sure, the desire to bring in, by the backdoor, this amendment at this stage will result in the establishment of new contracts hereafter, and I am almost certain that this is an encouragement to the employers to have hereafter printed or stereotyped agreements wherein it will be said to the employé: "If you go on a strike or on a lightning strike or have any cessation of work, you will straightaway lose up to 13 days' wages". My feeling is this: good law and good contracts might make bad business, and that this new amendment will sow the seeds for future discontent. I am sorry, Sir, that the employers have forgotten the unrest and the industrial disputes that occurred between the years 1927 and 1929. No doubt, the trade depression has caused also trade union depression. If today, Sir, the workers are afraid to assert their right to combine, it is due to the fear of retrenchment. Therefore, Sir, the moment this trade depression goes, the moment the workers feel strong, they will hit back and have their innings. I, therefore, desire to tell the employers to be careful, and I would also tell the Government that they are not doing the right thing in rushing through an amendment of this character without previous consultation with the Local Governments, without giving an opportunity to the workers to know exactly the implications of this amendment.

I would also like to refer, Sir, to another aspect. Under English law, it was held,—a reference to this I shall read from the Fawcett Committee's Report which has also alluded to that point,—that when young persons, children and women come within the scope of the Factory and Workshops Acts, no forfeiture, on the ground of absence or leaving work, may be deducted from any claim for wages due for work already done. This is what is stated in paragraph 87 at page 42 of the Fawcett Committee's Report:

"No doubt, in England, there are special statutory provisions under which, in the case of children, young persons or women within the scope of the Factory and Workshops Acts, no forfeiture on the ground of absence or leaving work, may be deducted from any claim for wages due for work already done."

That suggestion, Sir, does not find a place in this amendment. Moreover, I do not know how this clause will work in the case of workers who work in mines, who work on a weekly payment basis, who are paid their wages week after week. I am also afraid, Sir, of the existence of the words "implied by terms of their service"; "implied" would mean much more than the word implies. That generally happens, and, therefore, I am afraid of the words "implied by the terms of the agreement". I feel that the Government should have considered all these things before bringing forward this amendment.

Another point to which I should like to advert is as regards notice of termination. The Royal Commission on Labour has recommended seven days' notice for the termination of work, and I am sorry that Government have not carefully looked into this matter when drafting this amendment. At page 240, the Royal Commissioners have stated as follows:

"We recommend that for industrial employees in factories the legal period of notice should in no case exceed a week whatever the period by which wages are paid."

Before I conclude, Sir, I would like to say this, that the employés and workers of this country are bound to consider that this measure is nothing more and nothing less than an anti-strike measure, whatever the other benefits of this Bill may be. The other advantages are minimised by the introduction of this amendment. Sir, after the introduction of this amendment, I have received many communications from various parts of India from workers' leaders and workers' organizations stating in most unambiguous terms that they would rather forgo the benefits of the Bill than have this Wage Payment Bill with the addition of this new amendment, and I feel, after considerable thought and many sleepless nights, along with them, and speaking for myself, I really cannot associate myself with the passing of this measure if this clause is insisted upon. My feeling is this, Sir, that the workers are bound to say that if the Government of India pass this measure, "God save us from our friends".

Mr. N. M. Joshi (Nominated Non-Official): Sir, I do not like to make a speech, but I merely desire to make my attitude clear on the amendment. I have already spoken on the other amendment, but if you will permit me, Sir, I should like to.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot make a second speech.

Mr. N. M. Joshi: But, Sir, this amendment is quite different. The Honourable the Mover has changed the amendment.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member wish to speak now or Sir Cowasji Jehangir would like to speak?

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I rise to a point of order with respect to both the original amendment by Sir Hormasji Mody as well as the amendment substituted by the Honourable the Leader of the House. The amendment moved by Sir Hormasji Mody enlarges the scope of the Bill.....

Mr. President (The Honourable Sir Abdur Rahim): Amendment to which clause?

Mr. M. Ananthasayanam Ayyangar: Amendment to clause 9, Sir. It adds a proviso to clause 9 which says:

"Deductions may be made under clause (b) of sub-section (2) of section 7 only on account of the absence of an employed person from the premises where, by the terms of his employment he is required to work, such absence being for the whole or any part of the period during which he is so required to work."

Then comes clause (2), Sir, which says:

"The amount of such deduction shall in no case bear to the wages payable to the employed person in respect of the wage-period for which the deduction is made a larger proportion than the period for which he was absent bears to the total period, within such wage-period, during which, by the terms of his employment, he was required to work."

[Mr. M. Ananthasayanam Ayyangar.]

Sir, you will see from the Statement of Objects and Reasons and from the notes on the several clauses as originally set out relating to clause 7.—this is what is stated:

"Clause 7 (formerly clause 6).—We have restricted the list in sub-clause (2) to a definition of the types of permissible deduction and have removed certain substantive prescriptions formerly included here to other clauses. We have added a provision for deductions on account of absence as, particularly with our revised definition of wages, the employer would otherwise have been obliged to pay wages to men who failed to appear for work. Conditions to govern such deductions are contained in the new clause 9."

Mr. President (The Honourable Sir Abdur Rahim): What is the point of order?

Mr. M. Ananthasayanam Ayyangar: The point of order is that the amendment now under discussion enlarges the scope of the Bill, and as such it ought not to be allowed.

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

Mr. M. Ananthasayanam Ayyangar: Sir, the Bill is not intended to fix a minimum wage, nor is it intended by the Bill to direct the employers to pay wages where wages are not due; nor does the Bill say that for paying wages a permanent fund shall be created. The Bill is primarily intended to regulate the payment of wages in cases where wages are due or have already been earned.

Mr. President (The Honourable Sir Abdur Rahim): What is the Honourable Member's point of order?

Mr. M. Ananthasayanam Ayyangar: My point is this. Clause 9 says that wages that have accrued and are due shall not be withheld, and if the wage-period is a month and the employee works only for fifteen days and absents himself either without notice or without reasonable cause the amendment says that 13 days wages or for some shorter period may be withheld. That is not the original intention of clause 9.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not want a long speech. The Honourable Member must simply state what his point of order is.

Mr. M. Ananthasayanam Ayyangar: Clause 9 is that if the wage-period is for a month and if the employee works for 15 days, to the extent of the 15 days he has worked he is entitled to get the wages; he need not be paid for the whole month. That is the object of clause 9. Without clause 9 it would mean that irrespective of his absence for the rest of the period the wages in entirety would be paid. That is what would occur by the mere definition of wages.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is only to state his point of order.

The Honourable Sir Nripendra Sircar (Law Member): I submit that there is nothing in this point of order. This Bill is to regulate the payment of wages. How do we ascertain wages? Wages due *minus* permissible deductions under the Act. I submit that it does not enlarge the scope of the Bill.

Mr. President (The Honourable Sir Abdur Rahim): The Chair holds that the point of order is not a valid one. The object of the Bill is to regulate the payment of wages and wages have got to be ascertained with reference to all the facts. The Chair rules against the point of order raised.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): I may start by saying that the issues involved in this amendment appear to me to have been rather clouded, perhaps, unconsciously. Under prevailing conditions, any employer who dismisses an employee without giving notice, has to pay in full the wages due to him up to the date of dismissal *plus* 13 days' wages in lieu of notice. On the other hand, if the employee ceases to work or leaves his employment without notice, he is paid his wages up to the date of his ceasing work *minus* 13 days' pay in lieu of notice. These are the conditions that prevail today. Under the Bill, the position is that an employer who dismisses one of his employees without notice has to pay his wages *plus* 13 days' pay in lieu of notice, and by the Honourable Secretary's amendment wages will include those 13 days' pay. But if the employee leaves service without due notice the employer will have to pay the full wages and then ask the employee for a refund of 13 days' wages in lieu of notice, and, as my Honourable friend, Mr. Giri, said, if he did not get that refund, his remedy was the Common Law rights of an employer, which in ordinary parlance, means that the employer would have to sue the employee to get that refund. I do not think there is anybody so ignorant in this Honourable House as not to be able to understand the difficulties of an employer, who would have to sue hundreds of employees in order to get a refund.

Mr. N. M. Joshi: What is the difficulty?

Sir Cowasji Jehangir: The difficulty is that the employees disappear completely; for all practical purposes they disappear from the face of the earth, and if my Honourable friend, Mr. Joshi, or his Union will guarantee to find them or to pay on their behalf their dues to the employer and see that the rights of the employer are not disregarded when they leave without notice, then perhaps, the employer would change his mind. But Mr. Joshi is not in that position, nor is his Union. He is unable to trace the employee once he leaves the employer's service. As my Honourable friend, Sir Hormasji Mody, says, Mr. Joshi is unable to recover even his subscriptions, for which he has got to adopt many methods, which he would be unable to explain to the House and which the employer would not employ. Now, the amendment seeks to bring back the conditions that prevail today with considerable modifications. All it says is that if more than ten men leave service without notice, and if their action is based on reasonable grounds the amendment becomes inoperative, but if they have no plausible cause whatsoever for leaving their employers' service without notice, then under the conditions as laid down

[Sir Cowasji Jehangir.]

by the amendment the employers will be entitled to cut the wages for a period not exceeding 13 days. We have heard a good deal about lightning strikes. This amendment does not prevent my Honourable friend, Mr. Joshi, from instigating or organising a lightning strike. None of their rights and privileges as members of Trades Unions have been taken away. We have deprived them of none of their rights—the right of persuasion, the right of organisation and so on and so forth which they claim and which I am not going to explain. All it does is that it discourages men from leaving service in an organised manner without due notice. It discourages it due to a loss of upto 13 days' wages. It discourages, but not prevents it. And why does the representative of Labour in this House, my Honourable friend, Mr. Joshi, desire to deprive the employers of the right to discourage employees against lightning strikes—a right which they have all along possessed but let me tell him, never asserted.

Mr. N. M. Joshi: They cannot do it.

Sir Cowasji Jehangir: That is the strongest argument in our favour. If they cannot do it, why do you complain? The employers do not, under present conditions, forfeit these wages. . . .

Mr. N. M. Joshi: Without prolonging the strikes,

Sir Cowasji Jehangir: And as a matter of fact, the employer has rarely used this privilege—very, very rarely. I admit that under certain conditions where there have been lightning strikes the employers have threatened to do so, and on one or two occasions they have put the threat into practice but the employee in the end has got back those 13 days' wages. Nobody knows that better than Mr. Joshi himself.

Mr. N. M. Joshi: That prolongs the strikes.

Sir Cowasji Jehangir: Let this House realise that this is a discouragement of lightning strikes and that is what Mr. Joshi does not like. He wants to encourage them while we desire to discourage them. We desire to encourage negotiations, a clear statement of views on both sides and a compromise, if possible. We want to prevent strikes and anybody who, like ourselves, desires to prevent strikes and does not want that the poor workmen should be deprived of their living, sometimes for six or seven months at a stretch will vote for this amendment, but those who desire to see these strikes shall occur regardless of the hardship it entails upon the worker leaving him without food and clothing for six months at a stretch will vote against this amendment. I sincerely regret that men of Mr. Joshi's standing in the labour world, from whom we expect fairplay, and at least equity, should rise to oppose this amendment and bring forward arguments which, to say the least of it, are exaggerated and try to make this House believe that this amendment has been framed with the object of depriving the labourer of his rights and privileges. It does nothing of the sort. On the contrary, it retains the present conditions in a modified form. It does discourage lightning strikes but it does not discourage such strikes as are decided on after due deliberation and mature consideration and when the labourer and his representatives are convinced that they are in the right. I cannot understand

anybody arguing in favour of lightning strikes. A lightning strike means a strike which is decided on without proper consideration of the facts, allegations and explanations that may be put forward by the other side. Is that to be encouraged? Mr. President, I have the greatest respect for my friend, Mr. Joshi, whom I have known for 30 long years, with whom I had had the privilege of negotiating about strikes, when he came to represent his Union accompanied by those whom we in Bombay know as Communists. Mr. Joshi does not, I trust, believe that we have such short memory. I well remember the occasion in 1927 when my friend came to us with several well-known Communists, day in and day out in connection with a strike. I do not say for one moment that he should not have joined hands with those friends of his.

Mr. N. M. Joshi: I do not believe in untouchability of any kind!

Sir Cowasji Jehangir: Nor do I believe in untouchability, but I do believe in not adopting principles against which I have preached all my life, because I happened to be left out on a certain occasion in some agitation when I thought I ought to have a finger in the pie. Well, Sir, all I have got to say is that this amendment is not as black as it has been tried to be painted. It is a very simple amendment which has been explained and, I believe, will be further explained. I only want to appeal to the Honourable Members, many of whom have got sympathy with this amendment but who will be seen walking into the opposite lobby. I appeal to them, as very often they appeal to us, to act and vote according to their conscience; but nevertheless we do realise that under certain conditions certain people have got to vote in certain ways.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): You know that.

Sir Cowasji Jehangir: We know that. We have had bitter experience of that. I do appeal to my Honourable friends, whatever they may feel on this matter, to realise that we do have a certain amount of justice and equity on our side when we plead for this amendment and not to go about painting us men of the blackest dye. We are here pleading for an amendment, which we conscientiously believe is for the good of the worker, and we want you to do us the justice, as we do in your case of believing that we act conscientiously.

Mr. J. A. Milligan (Bengal: European): I shall not take up the time of the House for more than a minute. I desire to call attention to a point arising from the speech of my Honourable friend, Mr. Giri. In the course of his speech he mentioned several instances of lightning strikes with which he was personally familiar. His manner of describing those strikes showed that in his opinion they were strikes made with reasonable cause. Now, the provisions of this amendment are so drafted as to exempt such strikes from the penal operation. I should like to have Mr. Giri's opinion of a strike which has occurred within the last week in the Smithfield market in London where the workers, ignoring the advice of their leaders and trades union officials, engaged in a lightning strike; but, after a few days, they were persuaded to listen to the advice of their leaders and trades union officials and returned to work and the subject of their grievances is now being discussed. The occurrence of such strikes seems to call for action of the kind described by this amendment. I desire to support the amendment.

Maulana Shaukat Ali (Cities of the United Provinces: Muhammadan Urban): Both Mr. Joshi and Sir H. P. Mody know that my chief workers in Bombay are the weavers in Madanpura, Arab Lane and Kamatipura, and I am well in touch with them in their affairs.

Mr. N. M. Joshi: I am also.

Maulana Shaukat Ali: Most of my sympathies are with these poor workers. Yet I am going to support Sir Hormasji's amendment, and I am perfectly willing to face my friends over there. I make my position clear. In the first place, I believe that every worker has a right to strike. In Bombay sometime ago I had to interfere and take some part in two strikes. The first one lasted for six months, and I know the poor Mussalman weavers came to me and told me how they suffered. My friend, Mr. Joshi, had no hand in that strike; I think he would have liked to stop it. It was quite uncalled for and it was done only to show off the new blood that had come into the labour unions—the Red Flag Union; they wanted to show off their power. Well, they did not suffer; it is the workers who suffered. Now that is a class of strike we really ought to do our best to stop in the interest of labour itself. The second strike was the other way about; it was really a lock-out by the millowners; they had cut down the poor workers' wages to such an extent that the poor fellows had no other course left but to strike. My Honourable friend, Sir Hormasji Mody, wielded a considerable power and control in the textile industry of Bombay and I feel, Sir, that the poor workers have been treated badly and they have suffered since then. On some pretext or other their wages were cut. Of course, the millowners said that business was dull, while at the same time, as we know, night-shifts were working in most mills of Bombay. Men, Sir, who were earning Rs. 50 or so per month were now earning only about Rs. 28 or Rs. 29. Sir, in the interest both of the industry and of labour, there should be fair play: and when we play cricket, there should be no umpiring-out. Under this Bill, if the employer gives notice to labour, they have got to pay them for the notice period. I think it is perfectly fair. Lightning strikes should not be encouraged either in the interest of labour or of the industry. Therefore, if labour is obliged to go on a lightning strike, and if they think there are circumstances calling for that, they should do so, but then they must be prepared to pay for that indulgence. If I find that I am forced to oppose this Government and I must break their laws, well, I could do so and I am entitled to do so, but I think I must be prepared to pay the price and be ready for their police to come forward to arrest me and lock me up in prison. Sir, the peace-maker gets kicks from both sides. (Laughter.) This quarrel between labour and capital is very unnatural to the East and especially unnatural to India. In the whole of our history and I know intimately at least the history of Islam, there never have been any quarrels between labour and capital, because the Islamic laws make it one of the basic principles to make a capital levy of 2½ per cent. yearly; Every rich Muslim has to give that for the help of the poor.

An Honourable Member: We Hindus also recognise such a thing in our laws.

Maulana Shaukat Ali: My friend says the Hindus also recognise such a thing. Therefore, it is from the West that we have got this. We may have got some good things from the West but certainly we have got some very bad things from the West also, and one of these is this unfortunate quarrel between capital and labour which is most unfortunate; and it is the duty of everyone who loves his country to do his utmost so that this unnatural quarrel should stop, and I think this amendment of my Honourable friend, Sir Hormasji Mody, is fair and square. If the employer wants to compel labour to strike, and if labour wants to bully and to compel the employer to have a lock-out, if those are the conditions that prevail, the respective sides ought to pay.

Mr. N. M. Joshi: Sir, I am not going to speak at all, but.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member wishes to say anything about the alteration which has been made, then he must confine himself to that.

Mr. N. M. Joshi: I shall only utter two or three sentences, Mr. President, with regard to the change sought to be made by the amendment of the Honourable Sir Nripendra Sircar. In the first place, Sir, the amendment proposed by the Honourable Sir Nripendra Sircar, substitutes the word "and" in place of the word "or". I consider that amendment to be a drafting one and I have absolutely no objection to that. Secondly, he also inserts in his amendment the words:

"that is to say without giving the notice which they are required to give either expressly by their contracts of employment or impliedly by the terms of their service."

These words will enable the employer to deduct thirteen days' wages even when there is no condition in the contract of service, when he leaves service without notice. What the employer has to do is to imagine that the condition is "implied" in the terms of service—not in the contract of service. Now, how are these terms of service determined? Once the amendment uses the words "contract of service", I take it that that means "expressed contract of service". Again, the amendment uses the words "terms of service". I do not know what the difference is between "terms of service" and "contract of service"; I take it that the words "terms of service" are used in order to imply that these terms need not be expressed.

Mr. M. S. Aney (Berar Representative): In the contract.

Mr. N. M. Joshi: Now, Sir, here again the employer is made the judge of the implication of the conditions regarding deduction of thirteen days' wages for want of notice. I consider, Mr. President, that the amendment moved on behalf of the Government goes much further than the amendment moved by my Honourable friend, Sir Hormasji Mody. Secondly, the amendment moved by the Honourable Sir Nripendra Sircar takes away the power from a Local Government to make regulations regarding the terms which may be in the contract of service enabling the employer to deduct thirteen days' wages. As I have already said in my speech, I am against this amendment. At the same time, I am not against giving power to a Local Government to control

[Mr. N. M. Joshi.]

the terms on which employers may make their contracts of service, especially regarding notice. I, therefore, say, Sir, that the amendment moved by the Government of India is reactionary in two directions. In the first place, it enables the employer to import a condition of service which may not be expressly stated at all, and, secondly, it deprives the Local Government of the power of making regulations regarding controlling the conditions under which the employer can deduct thirteen days' wages.

Mr. A. G. Clow (Secretary, Department of Industries and Labour): How does it do that?

Mr. N. M. Joshi: That is to say, the Local Government cannot regulate the giving of the notice which they are required to give either expressly by their terms of employment or impliedly by the terms of their service. The employer can always say that this was implied in the terms of service.

The Honourable Sir Nripendra Sircar: May I point out, Sir, that there are the words "subject to any rules made in this behalf by the Local Government".

Mr. N. M. Joshi: The conditions are not subject to the rules. You are going to enable the employer to deduct 13 days' wages, if there is a condition in the contract of service express or implied. That is not subject to the rules.

Mr. Sham Lal (Ambala Division: Non-Muhammadan): Sir, I had no mind to take part in this debate because the representatives of labour have discussed this subject fully. I thought there would be smooth passage of the Bill in the Assembly because the amendment moved by Sir Hormasji Mody had not been accepted by the Select Committee. The surprise is how he has succeeded in converting the Government, and how the Government are now convinced of the propriety of his amendment. So far as he is concerned, I think his position is consistent. He pressed it before the Select Committee and he is pressing it now. But how has he succeeded in convincing the Government? That is a great surprise and the surprise appears to be that this debate is on the eve of the Ottawa debate.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I can assure the House that this is an entirely unfounded insinuation. The conversion of the Government had nothing whatever to do with any extraneous consideration except the opinion of the Government of Bombay in support of the amendment. The conversion has been that of the Government of Bombay.

Mr. Sham Lal: Sometimes there is an unconscious bias in favour of a party which supports another party, it may not be intentional. How is it that no arguments were advanced here today and yet the Government stands convinced. On the same analogy, on my Cantonments

Bill, which is an agreed Bill, amendments might be introduced and it would be suggested that those amendments were because of the suggestions from the Local Government. There can never be an agreed solution. I thought that the Wages Payment Bill would be passed in this House, but what I now find is that the Bill should now be named Wages Withholding Bill. (Hear, hear.) A very important question of principle is involved because an employer is given the right of forfeiting the wages of the employee for 13 days. This is not an ordinary thing. It is a very important right. When small concessions were being given to the employee, we thought that the Government after all had changed their mind and that they wanted to do something good for the employee. But when this amendment of Sir Hormasji Mody was accepted by the Government, I thought the Government had accepted the suggestion of Major Cadogan who said in Parliament: "You may pass this Government of India Act and then by an Order in Council lay down that the whole of India is to be excluded". What is the use of passing this Wages Payment Bill if you allow the employer to forfeit 13 days' wages of the employee. That is the history of all very exceptional powers and of all safeguards. You give with one hand and then take away more than you have given with the other hand. The question is not whether a strike should be encouraged. Nobody is in favour of encouraging strikes. The question is if there is a contest between two parties would you allow one party to take away the wages of another party. Supposing it were to be laid down in the Assembly that if there is a concerted action on behalf of any party, the daily allowances of the Members comprising that party should be withheld and that power should be given to the Government, or rather to Sir Satya Charan Mukherjee to determine whether any party acted in concert and did not attend the Assembly and to withhold the daily allowances of such party, what would happen if such a power were to be given. Or again, if Professor Ranga thinks that Government Members do not give proper answers to questions put in the Assembly or that Government give evasive answers, by saying: "the question does not arise", "the Government are not prepared to disclose confidential documents" and so on, then if such a power were to be given to Professor Ranga to withhold the salary of the Government Members, what would happen? How would the Government Members feel that? The question is if there is a contest between one party and another, one party alone should not be entitled to withhold the wages of the other party. I am quite in favour of the principle that if a party defaults, its wages should be cut. But I am against this principle of giving right of private defence only to one person. You are allowed to take my purse and money which is just lying before me and then you ask me to go to Court to claim the money. Where is the remedy in Court? My Honourable friend, Sir Cowasji Jehangir quite rightly said that the remedy in Court so far as the employer was concerned was illusory. Certainly, he might not be able to find a worker if he victimises them in this way. But the remedy in Court so far as the employee is concerned is more illusory. The employee's wages are forfeited to the extent of 13 days' wages and he is asked to establish his claim in a Court of law against an employer. Where is the poor employee to find the money to go to Court? How can he fight against his employer if his 13 days' wages are forfeited? The only equitable solution is if there is a dispute between a worker and an employer, there should be

[Mr. Sham Lal.]

some joint machinery to decide the question, not compel the employee to go to Court, nor give the right to the employer to cut the wages of the worker. Unless trade unions are established and unless a joint machinery is set up to settle these disputes, you cannot ask either party to go to Court. My submission is that it is not a proper thing to drive an employee to go to Court to prove that there was a reasonable case for his absence or that he had given notice to the employer. It is all very difficult for the employee. The Honourable the Law Member has, of course, changed the phraseology and has given you a different phrase, but the employees do not want phrases; they want wages. You cannot withhold their wages, unless you first establish that they have forfeited their wages. I think, it is a recognised principle of law that if any money is to be forfeited or if any fine is to be imposed, the person who wants to forfeit the money or who wants to impose the fine must prove his right in a Court of law before he can inflict the penalty. I thoroughly agree that there should not be lightning strikes, that there should be no strike without any justification and the employer should be enabled to withhold wages if the labourer goes on strike without any reasonable cause. That principle is not in dispute. The only point in dispute is how is it to be decided, whether the employer should be compelled to go to Court or the employee should be compelled to go to Court. If you do not establish a joint machinery like the one suggested by me, there will be no proper remedy. My submission is that if this amendment is accepted by the Government it would retard the establishment of trade unions, it would corrupt the employees, it would humiliate and demoralise them. This amendment, if it is incorporated in the Bill, will always be hanging like a Damocles sword on the employees and they would not be able to get their grievances redressed. In all sincerity, we believe that this power should not be vested in the employers. I, therefore, oppose this amendment.

Mr. M. Ananthasayanam Ayyangar: Sir, I oppose this amendment both on principle and on the merits. Apart from the point of order, with respect to the principle;—the principle is that a person who has earned wages ought not to be made to lose his wages merely at the whim and caprice of the master. The man has earned his wages and the master ought not to be placed in the position of the prosecutor, judge and the jury. Now, Sir, had there not been this amendment to clause 9, there would have been no occasion for this imposition of a new measure penalising various things by a side track. Clause 9 arose out of the definition of the word 'wages'. Wages include any amount that is payable for a wage period and if the wage period should be a month and if the employee works only for a period of a fortnight, he is naturally entitled only for a proportionate amount for the period he has worked. According to the new definition of 'wages' it is laid down that "wages include all remuneration which would, if the terms of the contract of employment, express or implied, were fulfilled, be payable", that is, if the wage period is for a month, even if he absents for a fortnight "wages" under this definition would be whatever is payable for the full wage period irrespective of the question as to whether he worked during the entire period or not. That is the employee would be in a position of advantage over the employer, he would be in a position to earn not only for the work done but also for the work that he has left undone or not done. To avoid this inconvenience and to give him only propor-

tionate wages to which he is legally and normally entitled; clause 9 has been added. The sub-clauses in clause 9 say that for the period for which he works he shall be entitled only to such amount as would work out the proportion of the number of days he worked to the total number of days during the wage period. This is all that there is in clause 9, and this is all the need for a separate clause, clause, 9, which has arisen on account of the enlargement of the definition of wages. Therefore, it has not abrogated the law as it stands, or changed the normal course of law. Lightning strikes or thunder strikes are not made penal, so far as I am able to see the law at present, neither here nor anywhere else; and by the backdoor let not a new weapon be forged and placed in the hands of the employer to deduct from the wages normally payable under the contract to the wage-earner. Sir, the wage-earner is entitled to receive his wages both under the contract and under the common law. And if a special provision is made in the terms of the contract even then the deduction that the employer is entitled to make is only for the amount of actual damage that is incurred. Even in respect of these deductions it is a question whether the deductions are by way of penalty, that is, penalising his absence, or by way of liquidated damages. Even when it is specially provided by contract the law stands thus; that it is not open to the employer to deduct anything at his sweet will and pleasure so as to penalise the absence, but only that amount which would place him in the position in which he would have been if the employee had not absented himself. If on account of the absence of the employee he had to employ other persons to do the same work or on account of the lightning absence of the employee there is some inconvenience caused, to the extent to which he has suffered by way of damages and to that extent alone he is entitled to retain or hold back the wages due to the employee. That is, even when there is a special term by way of contract, it is open to a Court of law to say that a particular term is penal and to relieve the employee from the penal provisions of the contract. Very often the employee has to be relieved out of his contract; and there is a clause in this Bill, clause 23, to save a man out of his contract if unwarily the employee enters into a very harsh and onerous contract much against his own interest. There is a similar provision in the Contract Act as in this Wages Bill. I will read a relevant passage from the law of master and servant from the Laws of England by Halsbury:

"The damages to which a master is entitled are such as are the reasonable and probable consequence of the servant's breach of contract, including any expenses which he may be compelled to incur. If the contract of service is expressed in writing and he specifies a sum payable by the servant in the event of a breach of contract, the master is entitled to recover that sum, provided that from the language of the contract it is clear that it is a genuine pre-estimate of the loss likely to be sustained by the master, and that the parties intended it to be payable as liquidated damages and not as a penalty."

Therefore, again and again when it is said by Honourable Members that this must serve as a deterrent to lightning strikes if they are indulged in, I would say that the framers of the amendment and the persons who are trying to support it have all misconceived the remedy. This is not the Bill which the employers should take advantage of for preventing lightning strikes. Under the old common law they have not got that right. Let not Government assume the responsibility of forging a new weapon and put it in the Statute-book in the guise of helping the wage-earners.

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. President (The Honourable Sir Abdur Rahim) in the Chair.

Mr. M. Ananthasayanam Ayyangar: Sir, I referred to the present law even in cases where the terms of service have been embodied in a contract, and where there is a special term in the contract providing for such penalty and as to how that penalty should be levied. The employee has to pay in the first instance, and it is open to the Court to find out whether the amount is reasonable or not. As regards the common law, I will quote a few lines from Halsbury's Laws of England, Vol. 20, page 108:

"In the absence of any such provision the master remains liable, notwithstanding the servant's breach of contract, to pay him any wages already accrued due and remaining unpaid at the date of the breach, since the servant's right to payment is not affected by the subsequent breach. Even where the servant is summarily dismissed for misconduct the same principle applies."

Sir, it is, therefore, clear, and I am specially making this appeal to lay Members of this House who are not lawyers, that they need not be under the impression that there is absolutely no change except a change of procedure by the amendment which is sought to be made in this Bill. The amendment that is sought to be introduced is by way of punishment, not even by way of penalty which is an estimate of the damages that they might incur. Irrespective of the question of damage—whether the employer actually suffers damage or not—he is entitled under the present amendment to impose certain fines by way of punishment to avoid what is called a lightning strike. Therefore, let the Honourable the Leader of the House make up his mind if, in the guise of introducing this Bill, he is really going to introduce a measure which must take the form of a separate Bill altogether. It may be necessary not only in this country but in other countries also. If there is really a parallel for such a provision in other countries, certainly that may be followed here. Therefore, in the guise of helping the employees or the employer, let there be no surreptitious insertion of such a measure which is really against them and which is by way of punishment. Hitherto it was only by way of contract that such things were done; under the common law they have no right. If a provision is made under a contract, that provision can be relieved against him but if the same penalty is imposed by a Statute, no power on earth can relieve the consequences of that penal provision created of the Statute. What I mean is if Rs. 100 are made payable by an employee for his absence by way of penalty as a term of agreement, if the matter comes before a Court of law, it is open to him to plead that as a matter of fact the employer did not suffer so much damages, and it is open to the Court to say: "Not a pie of that hundred rupees shall be levied". If in a factory employing 1,000 people, ten people are absent, there is really no damage. There is no damage because that inconvenience could be relieved against by ten other persons being employed immediately. Now, under the provision sought to be introduced, there is no question as to whether the employer suffers damages or not; he is entitled to punish a man for mere absence from duty. It finds no parallel either in the criminal law or in the civil law of the land. It is a new thing, and I would, therefore, once again urge upon the Government to consider if, in the guise of helping these workers, they are really not injuring them and whether this should not be a fit and proper matter for separate legislation, if necessary. That is what meant when I raised a point of order.

Sir the other day we found that when an Honourable Member of this House wanted to move an amendment of a formal nature that wages really due to an employee ought to be paid to his heirs in the event of the employee's death, it was objected to by the Honourable the Leader of the House as beyond the scope of the Bill. If really such a provision had been made, the heavens would not have come down. As a matter of fact, the wages are due to the employee: only, by accident, the man passes away. If he were there, it is his property and no power on earth can take away that right from his heirs. It is only a matter of procedure and convenience. If the heir has to go to a Court of law, he has to obtain a succession certificate, pay stamp duty and all that. These are the hardships in the way of an absolutely harmless and innocent child or wife of a deceased employee. Then, objection was taken on the ground that it is not covered by the objects of the Bill or of its preamble. I would ask the Honourable the Law Member whether there are not such objections in the way of an amendment of this nature. Sir, I would say that it is not proper for Members of Government to lend their support to this amendment. I would, therefore, request the Honourable the Leader of the House to withdraw his amendment and not to support the amendment of Sir Hormasji Mody.

I would only make an appeal to both the Knights from Bombay not to make the unfortunate position of those workers darker still. That is my objection on principle to the amendment sought to be introduced. It is foreign to the scope of the Bill and ought not to be, therefore, allowed. It is said that if ten or more employed persons acting in concert absent themselves, it is open to the employer to punish them, as if they wanted to start a lightning strike. I would say that in a factory consisting of 1,000 persons the absence of ten persons may not matter. Therefore, a provision regarding the absence of ten persons and their punishment for acting in concert seems to me to be highly detrimental to the interests of the workers. My second point is that the deduction of 13 days' wages in case of absence seems to be abnormal and penal. The third is this: There is a provision for the appointment of a Commissioner to enquire into such disputes under clause 15 of the Bill; the scope of this enquiry by the Commissioner is very narrow and limited. Perhaps he may have to enquire if there was legal and proper notice according to the rules and whether, in the absence of notice, there was reasonable cause. If he is satisfied that there was no notice and there was no reasonable cause, he has absolutely no jurisdiction to enquire if the deduction of wages was proper or not. For a small offence as well as for a big offence, it is open to the employer to deduct these wages at his sweet will and pleasure. As in the Contract Act, there is no provision for the Commissioner to make an enquiry, assuming all the facts to be true, whether the amount of damages is proper or reasonable having regard to all the facts of the case. I would, therefore, make a suggestion, if this amendment has the support of the House,—and that will also be in consonance with the ordinary practice prevailing and make the machinery cheap. Today without this provision the employer has to pay away the wages in full and file a suit for recovery later; but under the Bill

Sir H. P. Mody: No: that is not the case; under their contracts they are bound.

Mr. M. Ananthasayanam Ayyangar: Under the common law he has to pay the wages in full and then file a suit for recovery of damages for absence without notice: he has to prove actual damages. But when there is express contract, it can be withheld but it is open to the other side to file a suit for recovery of the withheld wages and if the Court is satisfied that there was no reasonable cause for absence it can award damages: even in that case the Court has got power to relieve him from the penal provisions. What I would, therefore, suggest is that automatically in every case where the employer wants to exercise his right of imposing punishment of withholding 13 days' wages, let him transfer the amount into the hands of an arbitrator or commissioner to be appointed with respect to each factory: and within a month that commissioner or arbitrator can decide; and in that period the employer can satisfy the commissioner that there has been want of proper notice and the money should, therefore, be deducted: otherwise it automatically goes to the employé.

Sir Cowasji Jehangir: That can be done under the rules: with this very amendment it can be done.

Mr. M. Ananthasayanam Ayyangar: It is a question of the employer satisfying the commissioner about the reasonableness of the amount withheld—whether it is proper under the circumstances. The burden should be thrown upon the employer to satisfy the commissioner, otherwise the employé should be entitled to take away the money. If this amendment is to stand I would suggest that some such arrangement should be come to whereby the amount would be available immediately after the termination of the work. That will relieve him from a very difficult situation into which he is bound to be thrown by this amendment.

Lastly, I will say this: I found lately a cartoon in the *Hindustan Times* of our friends, Messrs. Joshi and Giri, roaming in the wilderness as lonely babes. I thought the imagination of the cartoonist was not sufficiently strong: he must have put a tartar there, so that the real situation could have been brought out: this Bill was intended to benefit wage earners and protect their wages being unnecessarily withheld by employers. But what is sought to be given to them by one hand is taken away by the other hand by this amendment. I have again and again found on the floor of this House the two Honourable Members from Bombay running to the Government side for support. How long this kind of support they are expecting from the Government it is not possible to say.

Sir H. P. Mody: That will depend upon you.

Mr. M. Ananthasayanam Ayyangar: I am only requesting my Honourable friends to negotiate and make things easy for themselves and others. The old order is disappearing fast. They must understand that the position is no longer one between master and servant: the relationship has changed to that of partner and partner. We have been told of what is going on in England and other places, where they are pooling all their resources. Let them not forget that labour is live capital and that not one single machine will work unless they utilise this live capital. Let them not destroy this live capital. It is a matter of adjusting domestic relations. Let them talk matters over with this side, instead of trying

to get the votes of the Government and the others trying to destroy it. I would, therefore, appeal to Members of the Government not to take part or vote in this matter but allow this side, the non-official side, to settle it.

Mr. Husenbhai Abdullabhai Laljee (Bombay Central Division: Muhammadan Rural): Sir, I rise to support the amendment that has been moved by the Honourable Member. I think it will be conceded by my friend, Mr. Joshi, that if I am an employer, I have also taken keen interest in the welfare of the workers and have been doing so. I too find this amendment to be as much in the interests of employers as in the interests of the employés, and I am going to place before the House a concrete instance, and I am sure my friends on this side will appreciate it in the interests of industry which is as much for the benefit of capital as it is for labour.

Take the instance of a cotton mill. In an ordinary cotton mill, you have 2,000 to 4,000 employees; and you have got about eight departments to run your cotton through, and you have to keep up the machinery in such a condition and you have to keep up the cotton in such a condition that it should pass in full strength from one end to the other. For that purpose we have to employ humidifiers, and what not? If, for some reason or other, the employés of a certain department, which varies from 10 to 400 in each department, take it into their head to go on a lightning strike, the result would be that the mill would be closed, the result further will be that all the cotton on that mill and on the machinery will be spoiled: my friends may not care whether the cotton is spoiled or not; but, surely, they do care that the machinery ought not to be spoiled. The result in such a case invariably has been that, not only the cotton on the machinery has been spoiled, but that the machinery is locked up for more than a week; with the result that for nearly six or seven days the earnings of labour have gone down from 25 to 50 per cent. In all earnestness, I ask my friends, who represent labour, whether this is not a fact that if it be a fact, is it fair that you would like these people—4,000, or, in some cases at least, 2,000—to suffer on account of this lightning strike. If you have got a right case, if you think that your employers are not looking after you, give them reasonable notice and stop the work. Keep all machines clean. As my friend just now said, the machine belongs to employees just as much as to the employer. You are living on that machine: keep it well, at least. Do not destroy the very instrument which gives you support. Sir, if ten men of a certain department—say in the blow room or engine room—strike for any reason whatever, without consulting the other 2,000 or 3,000 men employed in that mill, they can bring ruin to those 2,000 to 3,000 people. My friends may say that Sir Cowasji Jehangir can bear the loss for a year. I do believe he can: but what about the wages of 2,000 to 3,000 people who will lose? Can they bear it; but what happens to the three thousand workmen? Is that fair? Is that equitable? Are you looking after those 3,000 people? I say, no. If the majority of the people want to strike, they can do it, but even then give fair notice. You ought to look at it in this sense, that the industry is as much for the interests of labour as it is for capital; and when you look at the question from that standpoint, I am sure they will all agree that it is not only labour, but capital also is benefited by the acceptance of this amendment. If the Honourable

[Mr. Husenbhai Abdullabhai Laljee.]

Member has moved this amendment of his own accord, I congratulate him; or even if he has moved it at the instance of my friend, Sir Hormasji Mody, I thank him; because this amendment will benefit all interests concerned.

Now, Sir, take the case of any workshop or a sugar mill or a ginnyery. If a lightning strike takes place a day previous to the cleaning day, what happens to the whole machinery? The machinery has worked for nearly eight or ten days, and it was time that it was cleaned, and if just a day previous to its cleaning there is a lightning strike, the whole machinery is kept unclean, and the result is heavy breakages and stoppages, besides the losses due to smallness of outturn.

Then, my friend over there said that you can go and file a suit for damages. It is all very good, but we know very well that even my friend, Mr. Joshi, will not be able to trace out any of the workmen. But even if we were to trace out some of them, there will be such enormous losses caused, not only to the chief millowner, not only to all the shareholders, but to two or three thousand people. Who is going to pay for them? Can the poor workmen, can the 10 or 20 people, or, for the matter of that 100 or 200 people, can they be expected to pay for the wages of even two or three days of 3,000 to 4,000 men? Can they pay? I say, no. Therefore, it is no use telling us that you have got legal rights, that you can go to the Court and penalise a man who is unable to pay for the losses. On the whole, Sir, I do feel that this amendment is as much in the interests of the industry as it is in the interests of capital, and my friends will do well to support it rather than reject it.

Mr. A. G. Olow: Sir, if there is any Honourable Member in this House who has not had leisure to study the details of the Bill, he must have gained the impression from the speeches delivered by my friends, Mr. Joshi, Mr. Giri and others, that some extraordinary injury was proposed to be inflicted on the classes whom this Bill is designed to protect. Sir, in the course of a long experience in this House, I do not ever remember quite such a smoke-screen as has been put up on this occasion, and I want to suggest to the House that not merely an exaggerated but a misleading impression has been created of the effects of the proposed amendment. I think my Honourable friend, Mr. Joshi, in speaking on it, said that "the Legislature could do no greater harm to the working classes than to accept this amendment"; no greater harm, not even if they reject the Bill. I feel sure that in the course of that survey of labour legislation from China to Peru, to which he referred in his speech, he must have found a good many acts of greater harm than this Legislature could copy. He went on to say that if we were going to deprive the workers of "the only weapon" they possess to defend themselves against attacks on their standard of living,—language which was echoed, I think, by my Honourable friend, Mr. Giri, who talked about fundamental rights, and said we would be doing a great injustice. And then we had a lecture on how we were providing a "punishment" for the working classes. Sir, I believe honestly and sincerely that these are all entirely inaccurate accounts of the effect of this amendment, for I think that, so far from leaving the workers in a worse position than they are in at present, it will leave them in a better position than they hold at the present moment.

For this purpose let us look for a moment at the law as it stands today. It has been expounded by several distinguished lawyers, and the matter can be put very briefly. The employer can at present—this is a statement of fact, not of law,—the employer can at present withhold from any wages in his possession the damages which he believes to be due to him on account of breach of contract. That, I say, is a statement of fact, not a statement of law. The wages are there, and he can withhold them. The workman can go to the Court to recover the wages that he believes to have been wrongly withheld, and if damages are due to the employer under the common law, the employer can then claim as a set off the amount he has withheld. So that in actual practice, he has not merely a right, but he has the power to enforce the right by withholding such sums as are due to him. Now, I would just like the House to look at the position that will be created if the amendment is carried. A good deal of the misapprehension about this amendment has arisen from the fact that not a single Member who has spoken against it has mentioned the fact that it is not a substantive provision; it is a proviso to an existing clause, and there has been no reference to the clause to which it is a proviso. That clause defines the circumstances in which you can make a deduction for absence from work. Sub-clause (2) of clause 9 to which this amendment is a proviso says in effect that the employer can only deduct wages for the time that the workman was not there. In other words, wages will be proportionate to the work. If the workman does not work for one day or two days, he will not get his wages for those days. But there is no provision there for a penalty and there is no provision whatever for recovering damages.

Now, Sir, before I go on to the actual provision, I would like to make one further point clear, and it is this, that the clause does not confer on the employer the right to a single anna, which is not his independently of this Bill. It is only what is due to him that he can withhold. I think that is the answer to my friend, Mr. Giri, who suggested that when men were working on a weekly basis, the employer could deduct 15 days' pay. Quite obviously, in such circumstances, 15 days' pay could not be due as damages, and therefore could not be deducted. And it is also the answer to my friend, Mr. Ananthasayanam Ayyangar, who suggested that there was going to be a punishment on the workmen. There is going to be no punishment at all. What we are proposing to give to the employer is a means, a means which he has at present in effect, but which we give in a more restricted form of recovering certain sums which under the law may be due to him legally. That right is in future going to be subject to certain restrictions; and what are those restrictions? In the first place, in no case can more than 15 days' pay be recovered. I think my friend, Sir Cowasji Jehangir, understated his case when he said that employers could recover that at present. Some employers can recover much more than that at present. They can recover up to the full period of notice, which may be 30 days. In future, whatever provision of that kind there may be in the contract, the amount the employers can recover under this Bill will be restricted to 15 days. In the second place, the employer has a right at present against the individual; if an individual breaks the contract in such a way that the employer has a right to damages against him, the employer can withhold the damages from that individual. In future, under this Bill, the only possible amount that can be withheld is where ten or more persons act

[Mr. A. G. Clow.]

in concert. Finally, we have inserted a provision regarding reasonable cause. In other words, the effect is to place the workman in a more favourable position than he is at present and to place the employer in a less favourable position than at present, and I would not be at all surprised if my friend, Sir Hormasji Mody, stands astounded at his own moderation

Sir H. P. Mody: I am.

Mr. A. G. Clow: Before we go on to discuss the effect that will be produced if this amendment is rejected, let us see what has been done for the workmen. I moved in this House the other day an amendment which was carried, I think, without any comment whatever. That amendment related to adding damages, in the case of workmen, to the definition of wages. There was no mention there of a limit 13 days; the damages may go up to 30 days. There was no mention there of a collective action; the individual has the right. There was no mention there of restrictions by a Local Government; it is an unfettered right. If there is any lack of reciprocity in this matter as some Members have suggested, it is not in favour of the employer.

Mr. N. M. Joshi: Go to a law Court.

Mr. A. G. Clow: I am coming to that. Now, let us look at the position if the amendment is rejected, in other words, if the clause stands without the amendment. The employer will then be precluded from recovering from wages any sum on account of damages due to him for breach of the contract. My Honourable friend, Mr. Joshi, says, "go to a law Court". This prohibition of recovery from wages will apply, however unreasonable the strike has been, or however sudden the breach of contract has been, or whatever damage has been caused to the employer. And yet my Honourable friend, Mr. Joshi, says "go to a law Court"!

Mr. N. M. Joshi: Yes.

Mr. A. G. Clow: If he will only reflect, he will realise that it is an illusory remedy. Two or three thousand workmen go on strike. You propose to compel the employer to hand out the wages up to the last moment they work. Up to the last moment he has got to pay it out, and if he does not do so, we provide for them a summary and cheap way of recovering it. We provide special tribunals and not only that, but we say, you can go in a body. Two or three thousand men can file a single application under section 16 and recover the amount the employer has withheld. But in the case of the employer, you turn him out and tell him, "Go and file two thousand or three thousand suits in a Civil Court because the men have disappeared with your money in their pockets. You can pursue them, get decrees and then execute those decrees against them".

Sir Cowasji Jehangir: Put a section in the Act that he should produce the money.

Mr. A. G. Clow: And the money too? (Interruptions.) I ask the House to realise that that remedy is an illusory remedy and that we are not treating the employer and the workman on anything like equal terms.

Finally, look at it in a broader light. My Honourable friend, Mr. Joshi, talks of depriving the workers of their only weapon. What is that weapon?

Mr. N. M. Joshi: Absence from work.

Mr. A. G. Clow: We are not depriving any workers of any right of absence from work. We are not depriving them of any right. If there is a lightning strike, without reasonable cause, is that a weapon that should be encouraged? I agree with my Honourable friend, Sir Cowasji Jehangir, that those who are opposing this amendment will be offering a direct encouragement to the use of that weapon. My Honourable friend, Mr. Giri, in a long diversion on the Labour Commission's recommendations, laid stress on the need for conciliation. He seemed a little confused in the process because he appeared to think that the Whitley Commission laid the main stress on appointing Courts of Enquiry and Boards of Conciliation and he blamed the Government for appointing so few. Their main point was that the need for these Courts of Enquiry and Boards of Conciliation should, in many cases, not be allowed to arise; and since the Commission recommended, one Local Government has taken rather striking action with a view to that end. They have passed a Conciliation Act, and they have gone further than most Conciliation Acts in that they have appointed an officer who is not merely a conciliator holding the balance between the employer and the employee, but a Government officer who is there to represent the interests of the workers,—there for advocacy and not mere conciliation. It is that Government that comes to us and says that if these provisions of theirs are to operate smoothly this amendment will be valuable. There can be no stronger argument in favour of the amendment than that. I have stood generally in this House in favour of measures for workmen, but I can tell my Honourable friend, Mr. Joshi, with my hand on my heart since he so wishes, that I regard this amendment as one which gives nothing more than justice to the employer. (Applause.)

Some Honourable Members: Let the question be now put.

Prof. N. G. Ranga (Guntur cum Nellore: Non-Muhammadan Rural): I rise to oppose this amendment, and, in doing so, I can assure the House that I feel as strongly, as sincerely and as honestly that this amendment, if passed, will be harming the interests of the workers, as my Honourable friend, Mr. Clow, thinks that it will help the workers. Sir, Mr. Clow has accused us of having thrown up a smoke screen upon the actual facts and also of having given a misleading interpretation of this amendment. He says that the workers really stand to gain by this amendment because he thinks that the right of the employer to recover damages from workers whenever they leave service without notice, is already existing and all that this amendment seeks to do is to legalise it, is to make it a legal fact instead of being a mere practice. It seems to me that he is blowing hot and cold in the same breath. He says that the employers do have this right to collect these damages and yet admits that it is an illusory right and the employers are not really able to collect them because the workers are not there by the time they think of recovering these damages.

Mr. A. G. Clow: Might I explain, Sir? I did not make any such suggestion. What I said was, as long as you can withhold money from wages the power is there and is real. But if you take the clause as a whole and withdraw that power, then you create an entirely different position.

Prof. N. G. Ranga: He seems to think that at present the employers have a right to collect damages from each one of these workers who have left service without giving notice, whereas, if this amendment were passed into law, it would not be possible for them to collect those damages unless ten or more people do concert amongst themselves and leave the service without giving notice.

Mr. A. G. Clow: Not under this Act.

Prof. N. G. Ranga: I would like to know how it can be settled by an employer whether ten or more people have really taken a concerted action. There is no definition at all of this particular phrase and a very mischievous phrase, "concerted action". Is that to be interpreted in the same way in which the Criminal Courts have been interpreting it in connection with the Civil Disobedience Movement and the Criminal Law Amendment Act? Or is it to be interpreted in whatever way the employers like to interpret it? There is no definition at all about it. And who are those ten people? Are they to be unionists or non-unionists? If they are non-unionists who is there to settle the particular fact whether they have taken a concerted action or not? It would only mean that the employer would be obliged to appoint C. I. D.'s as they have always been doing, and to depend upon them and the information supplied by them. They will have to depend upon information supplied by the C. I. D.'s paid and pensioned by the employers themselves. Is it fair to insert a term like this, "concerted action" against which there is no insurance, for which there is no proper interpretation, and which really cannot be discovered by any means either by workers or employers themselves?

Then, Sir, my Honourable friend, Mr. Clow, maintained that at present the workers stand to lose very much more than 13 days' wages if they broke the terms of their contract and by this amendment he seeks to save them from all that worry and trouble and protect them at least for the loss of wages beyond the 13 days' period and wages due in that particular period. Sir, if there were any contracts as a result of which the workers are liable to lose very much more than 13 days' wages and if Mr. Clow as well as the Government of India feel that it is an indignity and an injustice to the workers to be obliged to lose very much more than 13 days' wages, it is for them to come forward with a legislative proposal that it should not be so and such contracts should be made null and void. It does not lie in their mouth to come here and say that merely because there is a system of contract which really is inimical to the interests of the workers this House should accept this invidious and dreadful amendment. He seems to think that by this amendment the conditions of the workers here in this country are going to be improved. I wonder how. He has not made out a case at all. He has only said that we must after all respect what is known as reciprocity of treatment. The employers are expected to pay certain damages if they do not fulfil the terms of the contract and, therefore, the workers also should be made to respect the terms of their contract. We know only too well in this country that neither the workers nor the peasants are in a position to look after themselves and see to

their interests when they enter into any contracts. Most of the workers have no other choice but to accept any contract of the employer that is insisted upon, as otherwise they would have to go without employment at all and it is for the State to come to the rescue of the workers and see that they are helped and that they are prevented from getting into these ruinous and suicidal contracts that are being imposed from time to time and from day to day not only in Bombay but also in other centres of industrial activity in this country. Instead of that, Mr. Clow comes here to support my Honourable friend, the Baronet from Bombay, in his plea that there should be reciprocity of treatment between these two unequal partners. There is partnership, unfortunately, in our industrial system

Sir Cowasji Jehangir: Why 'unfortunately'?

Prof. N. G. Ranga: Because I want the workers to become one day, even if it is not possible today, the masters of the industry just as today my two Honourable friends, on that side, happen to be, as far as Bombay is concerned.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Then on that day, somebody will be a worker.

Prof. N. G. Ranga: If my Honourable friend, Sir Muhammad Yakub, becomes a worker, I will only be too glad.

Sir Muhammad Yakub: I claim to be a worker.

Prof. N. G. Ranga: It is very easy to talk about it, sitting comfortably in one's own drawing room, but it is not really so.

Sir Muhammad Yakub: Even the leaders of the Congress live more comfortably than I do.

Prof. N. G. Ranga: I leave it to the Honourable Member himself to lay his hand on his heart and say to himself what he has just said is true. I can assure him that lakhs of Congressites do not today get even as much as they ought to get as human beings and they do not even get enough to maintain themselves from out of any public fund. If they do exist and maintain themselves, it is out of their own resources and out of the resources that are placed at their disposal by some kind friends or by their own relatives and, therefore, it does not lie in the mouth of my Honourable friend, Sir Muhammad Yakub, to turn round and say that Congressmen are having a better time than many like himself, Knight as he is.

Sir Muhammad Yakub: Don't they get money from Moscow and other places?

Prof. N. G. Ranga: I only wish as many of them get money from Moscow as so many do get here from Government in so many ways and in so many directions.

[Prof. N. G. Ranga.]

Now, who are these ten people? Are they to be unionists? If they are unionists, certainly it is really an extraordinary thing that unionists should be accused of going on lightning strikes. It is very rarely indeed and I have yet to come across any instance of unionists going on lightning strike, without giving any notice, at least as far as South India is concerned. Even according to the Royal Commission on Labour it is clear that only ten per cent. of our workers, in organised industries, are members of some trade union or other and the rest are not, and yet strikes have had to take place and did take place. These ten per cent. of the workers try to take a concerted action and try to think out the whole situation when they have to decide upon going on a strike. They have to think about the attitude of these 90 per cent. of the non-unionists—whether they are going to strike or whether they are going to play the blackleg. Are they going to hold out or are they going to get into the factory and run the factory as if nothing has happened. If they are not going to help the employers themselves directly at least are they going, while the unionists are on strike, to finance the strikers. All these factors will have to be taken into consideration and are being taken into consideration by the unionists whenever they have to think on going on a strike and when they do go on strike, they expect a reasonable amount of support from the non-unionists when they give notice to the employers that they are going on strike from such and such a day.

What is then the position of non-unionists? They have to weigh all such considerations, as whether they stand to gain more by joining the unionists and going on strike or whether they stand to lose. They cannot possibly be expected to come to their decision at the same time as the unionists themselves. They wait till the unionists come to their own decision. They may try to help the unionists with their own suggestions, thoughts and counsel and yet on most occasions they do not really come to their decision to go on strike just at the same time as the unionists themselves do. Then they wait for a few days to see how the wind blows. It is an absolutely psychological proposition. They wait and see how the Government is inclined, how the public is inclined, how this holy Legislative Assembly is inclined and how the employers in the country are inclined. If they think that the employers are hesitating about their position, are not able to unite themselves and fight the strike or if they have some sympathetic friend, like my friend, Mr. Hussenbhai Laljee, who can influence the employers, then they may throw in their lot with the strikers and then decide in favour of going on strike. You cannot call it a lightning strike. Strike there is already. The strike is going on only with the aid of ten per cent. of the workers. The other 90 per cent. have to decide and come to their decision. They cannot go on strike according to this amendment.

An Honourable Member: Why?

Prof. N. G. Ranga: It is as clear as daylight. It would be clear to a baby, to any one who exercises his common sense. He cannot go on strike merely because he has got to give thirteen days' notice to my friend, the Baronet from Bombay. He has got to give thirteen days' notice if he is not to run the risk of losing his thirteen days' wages. Sir, he decides to go on strike. And what are his prospects?

Maulana Shaukat Ali: Why should he not give notice?

Prof. N. G. Ranga: He has got to give thirteen days' notice. What happens? People are already on strike; it may be they are already on strike for a week, and, on the top of it, for thirteen days more they have to carry on the fight, without the help of their fellow-men in a number of factories and including the first three or four days (that is, with thirteen days more, already on strike), it now becomes sixteen days of lone fight and at the same time the employer is able to sit comfortably in his arm-chair smoking his cigars and then say to himself: "after all, I do not lose anything". So for nineteen days or twenty days or twenty-two days, those who are on strike have to carry on their lone fight,—without the employer suffering for it, without the employer being at all affected, without the employer caring that much for it. (Laughter.) And during the whole of those twenty days, these people the strikers are going without food, without provisions, without any help, without any funds, without even public opinion coming to their rescue, and what happens? Sir, anyone who has got a heart can imagine the prospects. You cannot expect ten per cent. of the workers to carry on a strike, a costly strike, a dreadful strike, without any support from anybody, without even the support of their own rank and file, their own brethren and comrades,—the ninety per cent. of the workers—and what are the prospects? Even after twenty days' strike they may or may not have the support of the other ninety per cent. of the workers who have got to wait till then in order to get the money they have already earned. Is it possible for them to carry on the fight? Is it not quite possible that in these circumstances these people might be compelled to go back to their work rather than go on with their strike? And that is why, Sir, I oppose this amendment.

And, next, coming to the other ninety per cent. of the workers. they give notice, they carry on their work in the factories, but all the while the profits for my friends grow fatter and fatter, and they get richer and richer, blooming and still more blooming! And what is it that is happening within this particular period, these thirteen days? This ten per cent. of the workers, who are already on strike, get discouraged and despondent and completely down and out, and they give up the fight. But these non-unionists would by that time have incurred the displeasure of my friends, the two Knights, Sir Hormasji Mody and the Baronet from Bombay; they would have incurred the displeasure of these two great men. And what happens? Their leaders are liable to be victimised thereafter. Now would they be willing to do that? Would they be willing to incur the displeasure and run the risk of being victimised by merely trying to be comradesly with their own workers who are already on strike? Would they not then ask this ten per cent. of the workers who are already on strike to assure them of the success of the strike that they have ventured upon? How can any striker assure a fellow-worker who is earning something, and who has got to suffer very much and just as much as the striker himself,—how can he assure him that the strike is going to be a success, and how can ten per cent. of the workers that are already on strike assure the ninety per cent. who are still earning a little that it is going to be a success and that, therefore, they should throw in their lot with themselves? Sir, it is easier to convince them before the strike has begun that the strike is likely to be a success and, therefore, they should all join hands by going on strike because the pinch of a strike has not yet begun to make itself felt by the strikers, unionists as well as non-unionists. Therefore, Sir,

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this amendment, if carried, would not only stop lightning strikes, against which my religious friend has grown so much religiously angry, but would also stop the regular strikes; and that is why I think my Honourable friend, Mr. Joshi, is right in saying that it deprives the worker of the only right he now has.

Yes, Sir, it is the only right. It is very easy indeed to talk about reciprocity; it is very easy to talk of the injured husband as well as the injured employer; it is very easy to think of the losses that the employers have to incur. But, Sir, the employers have got piled up capital reserves, strike funds and so many other things. They can depend upon them, fall upon them. I have yet to come across an employer in this country who has got broke merely because of a strike; but you can come across thousands of workers in every industrial town who have gone broke because of a strike, who have gone broke because of a lock-out, and yet they think it lies in their mouth to talk about reciprocity. They do, and when they do it, what is it they say? "Here is a right that the employee has got against the employer,—the right of claiming damages for being locked-out without notice, and they think it is unreasonable on our part to say that the workers should not be made to pay damages when they leave their service without notice". Yes, they can talk about it. But that is the only right the workers claim to enjoy; that is the only right that the workers can wish to continue to enjoy, the right to cease to work, the right to say to the employer: "you have injured me, you have injured my comrades, you have harmed me, you have harmed my comrades, and, therefore, I refuse to co-operate with you in carrying on the work of this factory, from today or from tomorrow or from day after tomorrow from whichever day is convenient and possible for me". And that right my Honourable friend, Mr. Clow, the Industries and Labour Secretary, the champion of labour from the Official Benches, wishes to deprive the workers of! And yet he seems to grow extraordinarily angry with my friend, Mr. Joshi, for having called a spade a spade and for having courageously said in this House that this amendment seeks to deprive the worker of the only right he now enjoys.

An Honourable Member: It is a domestic squabble.

Prof. N. G. Ranga: We are all having domestic squabbles, and one of the domestic squabbles is that of the industry where employers are able to come here and place an amendment before the Honourable the Leader and the Honourable the Industries Member and get it straightaway accepted.

The Honourable Sir Nripendra Sircar: On a point of personal explanation, Sir, I was asked to draft that amendment, not only by the alleged capitalists, but also by my friend, Mr. Bhulabhai Desai, and by my friend, Pandit Govind Ballabh Pant. They all came to me and asked me to help in drafting the amendment.

Prof. N. G. Ranga: Well, Sir, I am glad, the Honourable the Law Member, Sir Nripendra Sircar, has himself let the cat out of the bag.

The Honourable Sir Nripendra Sircar: Three cats! (Laughter.)

Prof. N. G. Ranga: Sir, we now know where we stand. It may be that in some subtle way the Government have been able to get this kind of co-operation, this kind of proffering of co-operation from the different sections of this House, but that does not justify the Government coming here with this amendment, obnoxious and injurious as it is and unjust as it is. Sir, it is the duty of the Government to scrutinise it and to see that it is not injurious to any section, to any large section of the people in this country. It is the duty of Government to save me in spite of myself. It is the duty of Government to save the masses sometimes against their own Legislatures if that is necessary (Hear, hear), but yet what is it that my Honourable friend has done? Sir, he has failed in his duty. He has simply jumped at this surreptitious opportunity that was given to him, he has jumped at this "Swayamvaram".

The Honourable Sir Nripendra Sircar: It is not easy for me to jump.

Prof. N. G. Ranga: Sir, I wish him good luck for this kind of co-operation.

Here is an amendment placed before the Government and they simply jump at it, digest it and like a bee they bring it back with so-called honey which is nothing but a sting, a poison, a deadly poison that goes to the head of the workers, not only the workers now existing but also the workers to come. Have we come across another instance where Government have shown so much readiness to accept the suggestions from this side of the House? Why all this solicitude for the suggestions made by the employers, by the magnates and the capitalists and the captains of industry from Bombay and Ahmedabad? Why? It is not a new phenomenon. The Government and the capitalists, the Government and the Baronets and Knights have been hand in glove with each other for a very long time. They want their co-operation in so many ways. The Government want their co-operation, shortly, in connection with the Ottawa Agreement. Of course, the Honourable Sir Frank Noyce was very angry at the suggestion of my Honourable friend Mr. Sham Lal, that there might be some connection between this amendment and the Ottawa Resolution that is to be taken up shortly. It is because of the promised support of the capitalists of Bombay that this unholy amendment and this secret amendment has been hatched. There may or there may not be any connection between the two. I accept the statement of the Honourable Sir Frank Noyce. But Government cannot disclaim their responsibility in having gone more than half way in meeting the employers. Why more than half way? The Honourable Member, Mr. Clow, himself deplored the fact that the Honourable the Baronet from Bombay has not done sufficient justice to his own cause and it was why, therefore, he came out with his proffered hands to help him to get out of the difficulty and to tell him where he was wrong and show his sympathy! To whom? Not for the workers! To whom is he shedding all these tears? He knows what tears these are. This is the sort of co-operation that Government have offered. To whom? Not to the Congressmen, not to the workers, but to the employers and the magnates of industry. What is this reciprocity? A reciprocity between the lamb and the wolf, between the chicken and the wolf. (Laughter.) Yes, a reciprocity between the chicken and the wolf, for a cat won't do, a bigger animal like the wolf is necessary. This is a reciprocity between the mice and the cat. I am sure that nobody on this side of the House wants such a

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reciprocity. My Honourable friend, the Baronet from Bombay, was saying that he was expecting co-operation from this side of the House. I do not know really from whom he was expecting this co-operation. The speeches that were made this morning and this afternoon on the floor of the House from this part of the House must have made it perfectly clear that as far as the Congress is concerned, there is no support for that sort of reciprocity. There will be reciprocity only on the day when the capitalists and industrialists can be asked to bid good-bye to their ownership and their control of the industries and give place to the workers. There should be reciprocity only on the day when the workers will never suffer anything at the hands of the employers; reciprocity only as a result of which and on account of which the Government would be able to stand with all their forces both armed and unarmed behind the workers in order to raise their bargaining capacity to the level of the employers themselves. Can any employer who has any respect for truth and who has any respect for facts deny the fact that today the workers are not in a position to bargain with the employers? Is there any employer in this country who has got the temerity to come and say on the floor of this House or anywhere else that the workers are able to look after themselves, and, therefore, they should be allowed to get into whatever contract they like? No, Sir. Not even one employer however bad he may be. In these circumstances is it not the duty of the State to come to the rescue of the workers?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is repeating himself too often.

Prof. N. G. Ranga: Why should Government go out of its way to stand behind the employers and not behind the workers?

Then, there is the question of how to give notice of a strike. If an employer wants to give notice to the workers, he has only to put a notice on the notice board. The employer need not get into personal touch with every one of the workers who are affected by any one of his actions. What is to be done by the workers themselves? Am I to be told that each one of them, who is more often illiterate than literate, is to give a written notice to the employer? I am sure this is not feasible. In that case to whom is he to give that notice? Is it enough if that notice is put on the notice board of the trade unions? In many cases there are no unions at all. Again what happens in the case of workers who are not members of the union? What happens to these non-members? Are they to approach the employers individually? That course is absolutely useless and impossible. The Royal Commission on Labour has made it perfectly clear that between the employer and the actual workers there are very many intermediaries and it is only in very few cases that the workers are able to get into personal touch with the employers. There are the jobbers, there are the supervisors, there are so many *mukadums* and all sorts of intermediaries between the employers and the workers. Then, how are the workers to approach all these people? These intermediaries take a lot of bribes and this fact is borne out from the report of the Royal Commission on Labour. The Report of the Royal Commission on Labour bears eloquent testimony to the vagaries of these intermediaries. Is there any hope for these non-members of the union to get justice at the hands of these intermediaries? Again, is it enough

that the workers should give oral notice to the employers? Again, is it to be individual notice or collective notice? If there is a trade union for a particular factory, is it enough if the trade union secretary gives notice not only on behalf of the union as a whole but also on behalf of the non-members of the union? It may not be enough. Because the non-members might or might not decide to go on strike and in that case the secretary of the trade union might not hold himself responsible for the decision of the non-members to go on strike. After all the union members might be only ten per cent. of the workers. After that what happens to the 90 per cent. of the workers who are non-members of the union. If there is no notice from the 90 per cent. of the workers who are non-members, then the employer might turn round to the 90 per cent. workers who are not members of any trade union and say that they cannot go on strike unless they are prepared to lose 13 days' wages even if they had tried to give notice in the only way possible through all the intermediaries. So with or without notice given, accepted or not accepted, it comes to this, that 90 per cent. of the workers who are non-unionists will have to anyhow lose their 13 days' wages, if only they decide to support their own brethren and their own comrades who are already on strike. And it is for this reason I feel that with this necessity for giving notice, it is impossible for the workers to go on strike,—lightning, thundering, ice-cooling or earthquaking as a friend suggests.

Then, Sir, there is what is known as 'implied'. This is a beautiful word; I do not know who has coined it, my congratulations to him. It is "implied"; so the employers need not take any trouble at all. They can give French leave to their clerks hereafter. They need not be very particular as to how their contracts are framed and drafted; it is already "implied"; it is the practice. Four employers have taken care to write it down that 13 days' notice should be given; and, therefore, the fifth one need not do it because in the same locality four have got it in. It is a mistake or an oversight that this provision was not put in; therefore, it is implied. So the workers of this fifth employer also will be made to lose their 13 days' wages merely because they had the humanity and the courage to go on strike because their comrades had already gone on strike. And, therefore, I support my Honourable friend Mr. Joshi, in his opposition to the word "implied" and this provision should really be omitted, even if this Government were so obdurate and unconscionable as to get this amendment passed in the teeth of the opposition of my friends and myself on this side.

Mr. M. S. Aney: Sir, may I bring one thing to my Honourable friend's notice? In the definition of "wages" in clause 2, there is a reference to "implied" terms and that has been accepted.

Prof. N. G. Ranga: Who has accepted it?

Mr. M. S. Aney: You have passed clause 2 and you have accepted it.

Prof. N. G. Ranga: Beg your pardon, I have not accepted it.

Sir, the Honourable Member for Industries has said that he has taken up this amendment not merely on the suggestion of Sir Hormasji Mody but also on the suggestion of the Bombay Government. In this Report of the Select Committee which has been circulated we are told that they had the guidance of an able officer of the Bombay Government, and on our behalf the Select Committee has thanked him and congratulated him

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on having helped them with all his wisdom and experience and also sympathy for the workers. I really do not know why on that occasion, when the Select Committee was in session, that officer was not sounded, and if he were sounded and if his advice was sought after and taken, if it came to be dismissed by the Select Committee as a whole or by a majority. I really do not know why Sir Frank Noyce has again thought of seeking the assistance of the Bombay Government in order to help him to proceed with this amendment, to foist it on this House in an unexpected fashion, without any notice at all. And then if any Local Government was to be consulted I should like to know why only the Bombay Government was to be consulted and not any other Government. If the Bombay Government came to be consulted why did he not think of consulting other provincial Governments also? Is it because the other provincial Governments are not interested in labour? Or is it because the other provincial Governments could not be expected to come so directly under the insidious influence of these employers and capitalists of Bombay? I should like to know the truth; may be we will not get it.

The Honourable Sir Frank Noyce: Sir, if my Honourable friend had responded to the invitation which was extended to him to be present at the informal conference which was held on this subject, he would have known the truth. He did not even do us the courtesy of replying to the invitation which was sent to him to come to that conference.

Prof. N. G. Ranga: I am sorry for having been found wanting in showing courtesy to my Honourable friend. I am extremely sorry and I apologise for it. But I can only state in extenuation that I was busy losing my voice in touring about the villages and addressing meetings which cost very much more voice than the meetings in Rotary Clubs which my friends to my left have to address either at Bombay or at Madras. Sir, the other Governments were not consulted; the same Select Committee was not consulted as a Select Committee. The House was never given the opportunity. There were certain amendments that were made by the Select Committee at Simla and when this report was submitted to the House and this Bill came to be discussed, my Honourable friend, Mr. James, himself and his friends of the European Group rose in indignation and said that there were new things introduced, they were never given any notice, their constituencies had no chance of discussing these things, and, therefore, they wanted time, precious time; that it was unfair on the part of Government to rush through with this Bill. And yet the House wanted to go on with this Bill; and what did Government do? Government deferred to the views and pleadings of the people whose colour of course is an insurance against any kind of thing in this country. But the Government comes forward with this very dangerous amendment without giving any notice whatsoever to people who are many times more numerous than the Europeans in this country and people who are less able to look after themselves than the European planters and capitalists and industrialists. And, yet, my Honourable friend, Mr. Clow, comes and says that he is absolutely sincere and honest in recommending this amendment to us. I do not think there is really any Honourable Member on this side who will be carried away by that kind of profession of honesty and sincerity.

Sir, what is the implication of this 13 days' notice? How does it affect the workers who are on strike? According to the provisions of this Bill ordinarily it would be impossible for workers to get their monthly wages soon after a month is over. They have to wait for seven days. Of course some employers, if they are good, may pay the wages on the first of the next month; but most will take advantage of this provision and would like to pay, as has been happening, on the last day permitted, namely, on the seventh. If on the fifth, or fourth or third of the next month the workers were to decide to go on a strike, what happens? The whole of the previous month's salary is there in the hands of the employer. Will he be willing to pay it to the workers who are on strike? Has he done so in the past? I wonder; I really do not think he would pay. I do not think that he would be human enough to pay. Then, what happens? The workers will have to go to the Courts, while they are starving, while they are on strike, while they are being tabooed by the capitalist press, by the capitalists and all those other legislators who are under their muzzle. Is it easy for them to carry on their fight without any money in their hands, even for their salaries for the previous month? No, Sir. Then what is the good of this 13 days' notice? What is its earthly use for the workers? Is it to help them? Certainly not. Is it not to harm them and damage their interests? Is it not to victimise them, to disable them in their fight against their employers? It will be certainly apparent to anybody who has any humanity in him and who wishes to exercise his common sense. But of course if people are carried away by their self-interest and wish to bid good-bye to their common sense, I cannot help them and nobody can help them.

Sir, in England neither women nor children can be made to lose their wages for any fault of theirs. The Truck Acts see to it and other Acts too. Their wages cannot be deducted, but here there is no provision at all for that.

The Honourable Sir Frank Noyce: Sir, is my Honourable friend in order in discussing the other clauses of the Bill? I venture to think that he is taking advantage of this opportunity to discuss matters which were disposed of during his absence.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must confine himself to the amendment.

Prof. N. G. Ranga: I am confining myself, to the best of my ability, absolutely to the four corners of this amendment. According to this amendment, it is quite clear that no exception can be made either in the case of women or in the case of children as far as the deduction of 13 days' wages is concerned. This is a chivalrous age. I suppose we have not bidden good-bye to it but yet the British seem to have done so. Having said good-bye to their chivalry, the British are still ruling here, and my friend is himself a distinguished Britisher. He does not make an exception even in the case of women or children. What is to happen to them? We have large numbers of women among the ranks of our industrial workers in Bombay, in Ahmedabad, in Coimbatore and other places. What is to happen to them and to women who have children in their bosom? They have to feed them, they have to maintain them; these women also have to go not only on strike but to feed themselves and their children while on strike without getting their 13 days' wages which they have honestly earned. So is the pitiable case of children.

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Sir, in England, the period of notice that the employer has to give to the worker is very much longer than that to be given by the workers themselves to the employers. But it is not at all to be so in this country. In Britain Parliament has tried to help the workers as against the employers, but here we come to a Legislature where we are asked to place these two people on a par, two unequal partners, one the exploited and the other the exploiter, one the weakest, the other the strongest.

The President (The Honourable Sir Abdur Rahim): The Chair would ask the Honourable Member not to repeat himself.

Prof. N. G. Ranga: I am not repeating.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is repeating.

Prof. N. G. Ranga: I won't do it hereafter. In Australia, again, we have a provision that members of any trade union, if dismissed by an employer, are protected against the employer by the latter being fined £50 sterling. But here our employers can dismiss their employees with impunity and smilingly and comfortably and complacently and they are not to be fined at all, but if the workers take it into their heads to leave the employers and their factories without notice, then my friend, the Law Member, comes forward with his amendment: "No, you shall not do it, if you dare do so, you will have to lose 13 days' wages." Where are we? How many thousands of miles are we away from Australia? Australia is only an infant country. Australia was once the dumping ground of convicts and yet that Australia is very much more humanitarian than the Government of India wants India to be.

An Honourable Member: Why don't you go to Australia?

Prof. N. G. Ranga: I would like to go to Australia only if I am allowed to settle down there. I would take with me very many more people also in order to save them from the clutches of these employers. (Laughter.) This amendment takes it for granted that the workers are absolutely free to form their unions, to organise themselves, to give an organised notice, carry on an organised strike, help themselves and fight the employers; but is that so? Can even Mr. Clow, who was himself a signatory to this report of the Royal Commission on Labour, say today, that the workers are absolutely free? Even in Government employ we came across so many instances only last year. It was said that there were some yellow unions on the railways and some Honourable Members on that side got up and prided themselves that they belonged to trade unions, but Mr. Giri exploded that and exposed their pretensions to belong to real white unions. White unions there are few in this country, because the employers do not want unionism, and this report makes it perfectly clear that the employers do not want unionism. They are up against unionism. Even a Congressman, my friend, Mr. Birla, was objecting to an outsider taking interest in the union of the workers employed by him.

and so is the case with very many of my friends, the employers of Bombay. Unionism is not free, unionism is not favoured by the employers.

The Honourable Sir Nripendra Sircar: May I ask what Mr. Birla's union has to do with the amendment?

Mr. President (The Honourable Sir Abdur Rahim): The Chair would ask the Honourable Member not to travel beyond the amendment.

Prof. N. G. Ranga: There can be no concerted action at all here. Concerted action can be taken only when the workers are either in a union or anxious to be unionists, and how can there be concerted action unless there is unionism, and how can there be trade unionism in this country as long as employers as well as Government set their face against the development of team work and organisation amongst workers of concerted action? There cannot be, and, as long as there is not that trade unionism in this country, as long as the Trade Unions Act remains a dead letter as it is today and as long as even the registered trade unions are not recognised either by the employers or by Government, as long as 90 per cent. of the workers are not in a position to join the unions and pay subscriptions as has been admitted by the Honourable the Baronet from Bombay, as long as it is absolutely necessary for my Honourable friend, Mr. Joshi, to resort to so many methods referred to by the Baronet from Bombay in order to collect the small subscriptions, it is impossible for the workers of this country to look after themselves, to safeguard their own interests, to organise themselves, to stand up for their rights and put up a fight against this strong, wealthy, powerful, influential capitalists. And this amendment makes it impossible for its growth.

Sir, one more point. Here we are in the Legislative Assembly. To be frank to ourselves, can we really—can anybody—say that there is a party for labour in this House?

Some Honourable Members: There is.

Prof. N. G. Ranga: A party that makes labour questions party questions, a party that is prepared to espouse the cause of the workers. No, Sir. Why is it so? It is because the franchise has been so hopelessly restricted that the workers could not send their representatives and the workers could not have their own labour party.

Mr. President (The Honourable Sir Abdur Rahim): These are not matters for discussion on this amendment.

Prof. N. G. Ranga: The mere fact that the Congress alone has to espouse the cause of the workers and the mere fact that the Government of India could think of bringing here one solitary representative on behalf of labour out of 145 members show only too clearly that the workers are not in a position to look after themselves, the workers are not in a position to influence the counsels of Government, the workers are not in a position to depend upon this Government and that the workers are not in a position to make their needs felt. I, therefore, wish to make it perfectly clear to the public that very little justice can be expected from so

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many of us here sent by people who are directly or indirectly interested in capital and industries and who are not so much interested in labour, and, therefore, Sir, I recommend to this House, in all humility, in all honesty, and with all the sincerity that I can possibly command, that this amendment should not be carried, that this amendment should not be assented to, that this amendment should be dismissed.

Mr. G. Morgan (Bengal: European): Sir, I move that the question be now put.

Pandit Govind Ballabh Pant: Sir, I do not want to make any speech, but a word of personal explanation. When Mr. Ranga was speaking, the Honourable the Law Member made a few remarks that were absolutely correct, but it is just possible that some misapprehension might be caused in consequence of what he said if I did not make it clear as to how I came to make certain suggestions in connection with Sir Hormasji Mody's amendment. The amendment under discussion is the one which was moved by Sir Hormasji Mody. As you might be remembering, Sir, when this amendment was being read out, there was the word "or" between the words "due notice" and "reasonable cause". I felt that it would be prejudicial to the interests of the labourers and that it did not even represent the view of Sir Hormasji Mody himself. So, irrespective of my own opinion as to the merits of that amendment, I suggested then, while the amendment was being read out, that perhaps "or" was a slip and had been put in inadvertently, because it meant in a way that, even after notice had been given, if there was not reasonable cause, then the wages could be deducted: and even if there was reasonable cause, if notice had not been given, then also the wages could be deducted. That was not the intention of Sir Hormasji Mody. So, that was how I came to make that proposal; but it was made clear to Sir Hormasji Mody, I believe, that we did not agree with the merits of this amendment, but we felt that it did not carry out his intentions correctly, so that there should not be any mistake as to our attitude towards the merits of the amendment. It was only to improve it, so far as draftsmanship of the amendment is concerned that I intervened and approached the Leader of the House again in this connection; when he had put the amendment previously in another form, then I felt that it would be open under the form in which it was first proposed by him to frame rules under this Act itself requiring notice, and that too did not seem to me to be the intention of Sir Hormasji Mody. I pointed out that fact, as it struck me, to the Honourable the Law Member; but all through we have unfortunately not been able to persuade ourselves to agree with the merits of the amendment moved by Sir Hormasji Mody.

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

"That for the proviso set out in amendment No. 34, the following be substituted, namely:

"Provided that, subject to any rules made in this behalf by the Local Government, if ten or more employed persons acting in concert absent themselves without due notice (that is to say without giving the notice which they are required to give either expressly by their contracts of employment or impliedly by the terms of their service) and without reasonable cause, such deduction from any such person may include such amount not exceeding his wages for 13 days as may by any such contract or terms be due to the employer in lieu of due notice."

The Assembly divided:

AYES—65.

Abdoola Haroon, Seth Haji.
Abdul Matin Chaudhury, Mr.
Abdullah, Mr. H. M.
Acott, Mr. A. S. V.
Ahmad Nawaz Khan, Major Nawab.
Allah Bakhsh Khan Tiwana, Khan
Bahadur Nawab Malik.
Aminuddin, Mr. Saiyid.
Ayyar, Diwan Bahadur R. V.
Krishna.
Ayyar, Rao Bahadur A. A.
Venkatarama.
Badrul Hasan, Maulvi.
Bajpai, Sir Girja Shankar.
Bhagchand Soni, Rai Bahadur Seth.
Burt, Sir B. C.
Buss, Mr. L. C.
Clow, Mr. A. G.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Das-Gupta, Mr. S. K.
Dash, Mr. A. J.
DeSouza, Dr. F. X.
Essak Sait, Mr. H. A. Sathar H.
Gajapatiraj, Maharaj Kumar Vijaya
Ananda.
Gauga, Mr. K. L.
Ghiasuddin, Mr. M.
Ghuznavi, Sir Abdul Halim.
Gidney, Lieut.-Colonel Sir Henry.
Grigg, The Honourable Sir James.
Grigson, Mr. W. V.
Hossack, Mr. W. B.
Hudson, Sir Leslie.
Hutton, Dr. J. H.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur
Sardar Sir.
Jehangir, Sir Cowasji.

Khurshaid Muhammad, Khan Bahadur
Shaikh.
Lal Chand, Captain Rao Bahadur
Chaudhri.
Laljee, Mr. Huseinbhai Abdullabhai.
Lindsay, Sir Darcy.
Lloyd, Mr. A. H.
MacDougall, Mr. R. M.
Matthai, Dr. J.
Mehr Shah, Nawab Sahibzada Sir
Sayad Muhammad.
Metcalf, Sir Aubrey.
Milligan, Mr. J. A.
Mody, Sir H. P.
Morgan, Mr. G.
Muhammad Ismail Khan, Haji
Chaudhury.
Mukherjee, Rai Bahadur Sir Satya
Charan.
Noyce, The Honourable Sir Frank.
Rau, Mr. P. R.
Sale, Mr. J. F.
Sarma, Mr. R. S.
Scott, Mr. J. Ramsay.
Shaukat Ali, Maulana.
Sher Muhammad Khan, Captain
Sardar.
Singh, Rai Bahadur Shyam Narayan.
Sinha, Raja Bahadur Harihar Prosad
Narayan.
Sircar, The Honourable Sir
Nripendra.
Spence, Mr. G. H.
Tottenham, Mr. G. R. F.
Vissanji, Mr. Mathuradas.
Witherington, Mr. C. H.
Yakub, Sir Muhammad.
Zafrullah Khan, The Honourable Sir
Muhammad.
Ziauddin Ahmad, Dr.

NOES—44.

Aaron, Mr. Samuel.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Banerjee, Dr. P. N.
Bhagavan Das, Dr.
Chattopadhyaya, Mr. Amarendra
Nath.
Chettiar, Mr. T. S. Avinashilingam.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Fuzul Huq, Mr. A. K.
Gadgil, Mr. N. V.
Giri, Mr. V. V.
Govind Das, Seth.
Hans Raj, Raizada.
Jedhe, Mr. K. M.
Joshi, Mr. N. M.
Kailash Behari Lal, Babu.
Khan Sahib, Dr.
Khare, Dr. N. B.
Maitra, Pandit Lakshmi Kanta.
The motion was adopted.

Mangal Singh, Sardar.
Mudaliar, Mr. C. N. Muthuranga.
Nageswara Rao, Mr. K.
Paliwal, Pandit Sri Krishna Dutta.
Pant, Pandit Govind Ballabh.
Raghubir Narayan Singh, Chou-
dhri.
Rajah, Rao Bahadur M. C.
Rajan, Dr. T. S. S.
Raju, Mr. P. S. Kumaraswami.
Ranga, Prof. N. G.
Saksena, Mr. Mohan Lal.
Satyamurti, Mr. S.
Sham Lal, Mr.
Sheodass Daga, Seth.
Singh, Mr. Ram Narayan.
Sinha, Mr. Anugrah Narayan.
Sinha, Mr. Satya Narayan.
Sinha, Mr. Shri Krishna.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Thein Maung, Dr.
Varma, Mr. B. B.

Mr. President (The Honourable Sir Abdur Rahim): The Chair will now put the motion again:

"That to sub-clause (2) of clause 9 of the Bill, the following proviso be added:

Provided that, subject to any rules made in this behalf by the Local Government, if ten or more employed persons acting in concert absent themselves without due notice (that is to say without giving the notice which they are required to give either expressly by their contracts of employment or impliedly by the terms of their service) and without reasonable cause, such deduction from any such person may include such amount not exceeding his wages for 13 days as may by any such contract or terms be due to the employer in lieu of due notice."

The motion was adopted.

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

"That clause 9, as amended, stand part of the Bill."

The motion was adopted.

Clause 9, as amended, was added to the Bill.

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

"That clause 1 stand part of the Bill."

Mr. G. H. Spence (Secretary, Legislative Department): Sir, may I, with your permission, move a formal amendment:

"That in sub-clause (1) of clause 1, for the figures '1935', the figures '1936' be substituted."

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

"That in sub-clause (1) of clause 1, for the figures '1935', the figures '1936' be substituted."

The motion was adopted.

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

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Frank Noyce: Sir, I move:

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

I do not propose to detain the House long at this stage of the afternoon, but in view of what has been said by my Honourable friend, Mr. Ranga, in the course of his lengthy and impassioned harangue, I would like to remind the House for a moment or two of the history of this measure. The thoughts of the Government were turned towards the question of prompt payment of wages and deductions therefrom, in 1925, that is, no less than ten years ago. They collected a mass of material at that time and, in due course, placed it before the Royal Commission on Labour which they thought was better able to sift it and to come to reasoned conclusions on it than they themselves were.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

As the House knows, the Royal Commission did make very valuable recommendations on this subject, but more urgent and less difficult matters arising out of its report claimed our attention and it was not until 1933 that we were in a position to bring a Bill before the House. That Bill lapsed with the Assembly before which it was brought, and personally I am very glad that it did, because after it had been circulated for public opinion, the opinions we received were so massive and raised issues of such importance that we thought it advisable to drop it and bring forward a fresh one. The fresh Bill was considered by this House a year ago and was referred to a Select Committee which discussed it at very great length and with the utmost care for several days before the Simla Session. It then came before the House in the Simla Session, and, at the request of my Honourable friends of the European Group who wanted further time to consider it, was postponed to this Session. What I do wish to urge upon the House is, and I think, that the history I have related enables me to make the claim with some confidence, that no other labour legislation that we have brought before it has received more careful thought than this—careful thought at every stage, even up to the last. Even a week or so ago, my Honourable friend behind me and I had a conference with those Members of the House who are specially interested in this Bill in a last minute effort to improve it and to ensure its smooth passage through this House. And if my Honourable friend, Mr. Ranga, had been here and had been able to accept our invitation to that conference, all that which seemed to him to be a mystery would have been plain; at any rate, I think he would have realised,—as I am sure did those of my Honourable friends opposite who were present at the conference and for whose help and co-operation I am grateful—I am sure, he would have realised that our acceptance of the amendment which has caused so much controversy today was not due in the smallest degree to any extraneous considerations regarding any other business before this House. My Honourable friends, I am sure, will give me and Mr. Clow credit for dealing with this Bill entirely on its merits, and with no other consideration in our minds. (Cheers.) I have thought it advisable to dwell on the history of the Bill because it is my contention that at every stage, and there have been many stages in that history, the Bill has been altered, where it has been altered, with very trivial and unimportant exceptions, entirely in the interests of the work people, and I maintain that our last and most important alteration has been in their interests. I am not going over that ground again; we have spent a whole day on it and I do not propose to repeat anything that has been said, except to say that, in my view, the amendment which the House has just accepted will tend to the promotion of industrial peace, and without industrial peace we cannot expect industrial prosperity.

The only other point to which I wish to refer now, and on which I think the House will seek some enlightenment, is the question when the Bill is to come into operation. I am sure that, in spite of its reactionary character on which my Honourable friends opposite and my Honourable friend, Mr. Joshi, have dwelt, they would like to see it in operation as soon as possible. And I am fairly certain that my Honourable friends from Bombay would like to see its introduction postponed for some time. I think that is really the test, after all, that is really the best test of the possible effects of this Bill—which party would wish it to come into operation first. I have no doubt whatever in my own mind which party that is

[Sir Frank Noyce.]

and I think that is the answer to many of the criticisms which have been levelled at us from the other side. All I can say now is that we shall do our best to ensure that if the Bill is passed it comes into operation as soon as it is reasonably possible. But the House will, I have no doubt, recognise that there is a good deal to be done, in a case such as this, between the passing of the Act and its coming into force, especially when the Act breaks so much new ground as this one does. The rules have to be thought out and framed both by the Central and Provincial Governments, and that, with an entirely new Act, is not a simple matter. They have then to be subjected to public examination and the criticisms received have to be carefully considered. Then they have to be published and various orders have to be framed and authorities appointed. All this cannot, I think, be done in less than a year. The employers also must have a considerable period in which to make their preparations, and I would suggest that in the same spirit with which many of them, all of them I think I may say who are represented in this House, have accepted the proposals, they might, in the interval, make such adjustments as may be necessary to bring their systems into line with the provisions of this measure. This will minimise any dislocation that might be created when the law, after it is passed, commences to operate. Sir, I move. (Cheers.)

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved:

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

Mr. G. H. Spence: Sir, I move:

"That sub-clauses (g) to (k) of clause 26 (3) be re-lettered as sub-clauses (h) to (l) and that the following be inserted as sub-clause (g), namely:

'(g) prescribe the conditions subject to which deductions may be made under the proviso to sub-section (2) of section 9;'"

This, Sir, is merely consequential on the amendment which has been adopted this afternoon. Honourable Members will observe that clause 26 (3) contains sub-clauses referring to various specific rule-making powers, and with the insertion of a further provision conferring a specific rule-making power under the proviso added to sub-clause (2) of clause 9, it is desirable that a reference thereto should be inserted in clause 26 (3). Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That sub-clauses (g) to (k) of clause 26 (3) be re-lettered as sub-clauses (h) to (l) and that the following be inserted as sub-clause (g), namely:

'(g) prescribe the conditions subject to which deductions may be made under the proviso to sub-section (2) of section 9;'"

Mr. M. S. Aney: On a point of order. When the third reading has been taken up, is it open to any Member of Government to move any amendment whatsoever?

Mr. Deputy President (Mr. Akhil Chandra Datta): This is merely consequential, and, therefore, it can be moved.

Mr. G. H. Spence: See Standing Order 49 (4).

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

"That sub-clauses (g) to (k) of clause 26 (3) be re-lettered as sub-clauses (h) to (l) and that the following be inserted as sub-clause (g), namely:

'(g) prescribe the conditions subject to which deductions may be made under the proviso to sub-section (2) of section 9;'"

The motion was adopted.

Mr. F. E. James (Madras: European): I believe it is customary at this stage of the Bill to congratulate the Mover for having reached so far. Inasmuch as it is customary, I desire to pay the usual tribute to my Honourable friend, the Mover of this Bill, and also to his lieutenant, Mr. Clow. I do so; not merely as a matter of custom, but because we are grateful to the Honourable Member in charge of the Bill for the consideration and courtesy which he has shown to all sections of the House in dealing with this Bill. I also would like to pay a glancing tribute to my Honourable friend, Mr. Joshi, and his colleague, Mr. Giri, for fighting their battles steadily, not altogether alone, with the powerful support of various quarters of the House. There was the other day a cartoon in the *Hindustan Times* in which an attractive portrait was drawn of Messrs. Giri and Joshi as the babes in the wood. I could not help observing, when I saw that cartoon, that actually they were not really depicted as innocent as babes usually are; and that they were not alone in the wood, because quite near to them were the figures of the Mover and his lieutenant, Mr. Clow. So they were not lost at any time. It reminded me of the truth that Mr. Joshi, whose public career in this country has been one of great service to the cause of labour, owes it in a large measure to the patronage which he has almost unceasingly received from this "Satanic" Government. With regard to the object of the Bill, the two main objects were, firstly, the dealing with the more glaring cases of delay in regard to the payment of wages. It is a curious commentary upon the discussions that have proceeded in this House, that the factor of indebtedness, which according to the Whitley Commission gave rise to these proposals, has hardly been mentioned. The other object of the Bill is the desire to deal with unreasonable deductions from wages. That, again, arose from considerations relating to the income of the wage-earner in this country, which is a consideration which has hardly been touched upon during the discussions on this Bill.

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

Now, Sir, I wish to place on record one or two misgivings in regard to this piece of legislation which have been voiced not only in my own constituency but in other constituencies as well. In the first place, one is struck with the enormously wide scope of the Bill. The Bill admittedly deals with two particular evils. It is called the Payment of Wages Bill. As a matter of fact, it deals with practically every side of the intricate relationship between the employer and labour. It ought really to be called a "Bill to regulate the relationship between employer and labour". My friend, Mr. Giri, even called it an anti-strike Bill. I do

[Mr. F. E. James:]

not imply by this statement any criticism of the principles underlying the Bill. I want to make that perfectly clear. But I do want to ask one question. When we are dealing with two particular evils which are not universal, was it necessary to have a Bill which has such an enormously wide scope. Could not the evil be tackled at its root first, rather than at the top? The Honourable Member has spread out his net so wide, that many of the industries in which the evil is really rampant have entirely escaped. Then there is also the question of the increased cost to the various industries which this legislation involves. I would very respectfully utter a word of warning not only to the Honourable Member in charge of this Bill but also to our colleagues in this House who charge themselves specially with the interests of labour; and that is the danger incurred in connection with labour legislation in this country of playing into the hands of the labour leaders of the West. Those Honourable Members of this House who have followed the attitude of labour movements in the West to the question of industrial labour in the East know perfectly well that their policy is to increase the standard of living of the workers in this country as quickly as possible without any corresponding rise in the standard of efficiency, so as to increase the cost of production in the East and thus handicap the Eastern industrialists as a competitor in the world's market as well as a competitor in his own market. In encouraging at too fast a pace legislation which has been suitable in the West and which does lay increasing burdens upon the industrialists in the East there is a tendency to play into the hands of those in the West who have that object deeply at heart for their own particular reasons. Now, during the course of the discussion, two rather astonishing admissions were made by Honourable Members particularly interested in this Bill. The first was made by my Honourable friend, Mr. Joshi, who said that in spite of four years at a university and five years spent in studying the Bill he did not understand it. I ask if that is the case with Mr. Joshi, what will be the condition of the employer? Then, we had the Honourable Member for Industries and Labour referring to this Bill as an experimental measure and as possibly requiring modifications in the near future.

The Honourable Sir Frank Noyce: Every new measure, which is brought before this House, which breaks entirely new ground, must be regarded as an experimental measure. I think, that is only logical.

Mr. F. E. James: In that sense, every piece of legislation is an experiment.

The Honourable Sir Frank Noyce: Of course, it is.

Mr. F. E. James: I seemed to detect in the words which my Honourable friend used in this connection some little nervousness as to the actual effects of this Bill on the relationship between employer and labour, which this Bill is now going to disturb in different parts of the country. Yet although admitting that this Bill is an experimental one, as far as its application is concerned, he resisted and succeeded in defeating an amendment which was moved from our Benches giving the Local Governments power to apply the Bill to all cases where the experiment

would be desirable, giving them at the same time power to adapt it to the circumstances of each case. My Honourable friend, with the help of other Members of the House, defeated that amendment, and what is the result? The result is in effect that the Bill is left in a state of rigidity which makes it almost impossible for Local Governments to apply it to the extent which I am quite sure my Honourable friends themselves would desire. If this Bill is really an experimental measure and to be treated in that sense, then we find it rather difficult to understand why this particular amendment which was moved from our side of the House was not accepted by the Government. Then I would suggest very respectfully to the Honourable Member that the talk of experiment, in the sense in which he used the words in connection with a Bill of such a far-reaching and wide application and importance, seems a little inappropriate and does illustrate the difficulty which many of our constituents have felt—the difficulty of interfering with the established relationship and existing institutions except with the greatest possible care, both in regard to labour and in regard to social legislation. Now, Sir, I have said earlier that there are a number of industries in this country where the two evils with which this Bill is supposed to deal are most rampant, and yet those industries are not yet included in the Bill. Some of the constituents in my own Province had considerable sympathy with the amendment moved by my Honourable friend, Mr. Joshi, extending the scope of the Bill as widely as possible. We felt, as far as this Group is concerned, that this particular amendment in regard to the structure of the Bill was neither practicable nor desirable; but I know that there are those who feel that the Bill, even as it stands, does not deal, in many parts of the country, with the evil where it is worst. Now, I should like to quote the opinion of an employer in South India—one who is now unfortunately dead; I refer to Mr. Kay, the Managing Director of the Buckingham and Carnatic Mills. I knew Mr. Kay for a number of years, and I do not think anyone who knew him could fail to realise that he devoted an enormous amount of care and time and sympathy to the improvement of the lot of his workers. (Hear, hear.) He was, in the best sense of the word, a model employer of labour. What did he say very shortly before his death? He said:

"Why should the absence of power to aid the process of manufacture in a factory exclude the workers in such a factory from the benefits the present Bill seeks to impose on workers in power-driven factories?"

Why, for instance, should a weaver in a handloom factory be exposed to unlimited hours of work, indefinite periods of payment of wages and indiscriminate fining, from all of which a weaver in a power-driven factory is protected under the Bill?

The Royal Commission on Labour in India, in their Report, made some very trenchant criticisms of the conditions of workers in unregulated factories. The cult of the *bidi* factory worker is not so spectacular as, for instance, that of the textile worker, but it seems unfortunate that so much time should be spent on devising legislation to render increasingly difficult the conditions of more or less well-regulated power-driven factories, while the needs of the workers in unrecognised hand-driven factories are, apparently, not only not worth considering but any suggestion to bring them within the purview of the present Bill is to be vigorously opposed."

Now, I quote those remarks of Mr. Kay to illustrate what many a conscientious and good employer feels in regard to this Bill. He is getting a little irritated at the meticulous attention which is paid to the conditions in his well-run industries and at the ignoring of the thoroughly bad conditions which very often lie just round the corner. He quite

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realizes that on many occasions the good has to be penalized for the bad, but he thinks it rather hard lines that on this occasion the good should be penalized, when the bad, the really very bad, is allowed to go scot-free. Well, Sir, however that may be, I felt it my duty to place that point of view on record before this Bill passed its final stage in this House, and I also felt it my duty to place on record those other misgivings which I referred to in regard to this piece of legislation. My final word, Sir, is that if the Bill is passed here and elsewhere and finally receives the necessary assent, I hope that it will work smoothly. I think I can guarantee, as far as the interests which we represent are concerned, that we shall—as we always do in connection with Bills that reach the Statute-book—co-operate as fully as possible in making this a workable and satisfactory Bill. But I do most sincerely trust that the Honourable Member for Industries and Labour will be prepared,—if defects are found in the working of the Bill, and on the assumption that he has already mentioned, *viz.*, that it is largely an experimental measure—to come forward promptly to remedy those defects and to ensure that the real objects of the Bill are achieved in as large a measure as possible and with as little dislocation to the reasonable and well-established relationships which are at present deeply rooted in different parts of the country between the employee and his employer. (Loud Applause.)

Mr. N. M. Joshi: Mr. President (Applause), before my Honourable friend, Sir Hormasji Mody, brought forward his amendment and before I learnt that the Government of India and the Independent Party were going to support him, my attitude towards this Bill was quite enthusiastic. The Bill that was introduced in 1935 was an improvement over the Bill introduced in 1933. When we met in the Select Committee, the Select Committee, in my judgment, on the whole, improved the Bill still further. Great credit is due to the Honourable Member in charge of the Department of Industries and Labour, Sir Frank Noyce, and the Industries and Labour Secretary, Mr. Clow. (Hear, hear.) They were sympathetic and conciliatory, and Mr. President, you may not be surprised if I had felt at the meeting of the Select Committee that my Honourable friend, Sir Hormasji Mody, was at least a sportsman. But, Mr. President, today my attitude is somewhat different; I feel sad and despondent. It was said by my Honourable friend, the Secretary of the Department of Industries and Labour, that we tried to create a smoke-screen. Mr. President, that was not our object; we tried, with our limited intellect and limited powers, to place what we really felt about that amendment before the Assembly: and if there was a smoke-screen, perhaps it was due to the fact that the eyes of those that looked at us may have some faults. But in any case let me tell you that he did not enable people to see through the smoke-screen by throwing dust into their eyes. My Honourable friend, the Secretary for the Department of Industries and Labour, said, that the amendment restricted some of the rights and some of the practices which the employers had followed and enjoyed. But he should have told the House whether the amendment did not detract very materially from the position that existed if the Report of the Select Committee had been adopted.

Mr. A. G. Clow: I admitted that.

Mr. N. M. Joshi: Our change of attitude is due to that. He even said that the amendment restricted in certain matters the rights which the employers would exercise. I honestly feel that the form in which the amendment has been made gives an invitation to the employers to deduct wages which they had very rarely done up to this time. I feel that it will not only do harm to the interests of the workers, but if I am to say what I honestly feel, I have absolutely no doubt that it will do harm to the industrial peace which the Honourable Member in charge of the Department of Industries and Labour said was the object of the Bill. If after a strike the employers try to insist upon the reduction of wages for 13 days, let me tell you frankly that it will be more difficult to settle a strike. The strikes will be prolonged on the issue that the wages shall not be deducted. I have absolutely no doubt in my mind that instead of helping the industrial peace by the amendment which my Honourable friend, Sir Hormasji Mody, has proposed, strikes will be prolonged and will be more difficult to be settled. Mr. President, I feel that after this amendment a great deal of value which the proposer of the Bill had in view has disappeared. If the employers, by means of the powers which they have obtained, try to put down strikes and if they succeed in their object, I feel that the standards of life of the working classes in this country will go down much further. My Honourable friend, Sir Hormasji Mody, himself knows that during the last few years the wages in Bombay and other places have gone down nearly 50 per cent. and if the employers try by means of the weapon which they have got through this Bill to prevent any resistance by the workers to the attacks which may be made against their standards of life, the wages will go down still further. It is that fear, Mr. President, which causes apprehension in my mind more than the loss of 13 days wages. It is on account of that fact I feel that after the amendment which was accepted by this House, the value of this Bill has greatly disappeared. My fear is that the object which my Honourable friend, Sir Hormasji Mody, and the Honourable Member in charge of the Bill had in mind will not be served. It is this that made me change my attitude towards this Bill; instead of being enthusiastic about its passing, I can only receive it in sadness and disappointment. (Applause.)

STATEMENT OF BUSINESS.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways): May I, with the permission of the Leader of the House, make a statement with regard to the course of Government business on Friday. As the House is aware after the Payment of Wages Bill, my motion on the Ottawa Trade Agreement was set down for discussion. Having regard to the stage at which we have arrived, that is to say the Payment of Wages Bill was to be taken up today and, if possible, finished—I see it is not going to be finished today—the Leaders of Parties in the House felt that they were being asked to take part in a debate which was not likely to be finished by Friday afternoon and that, therefore, the time being so short if the debate was likely to go over the Budget discussions, they felt that it was very much better if the start of the debate was postponed so that the whole debate could take place at one stretch as it were

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): I think the Government too felt likewise.

The Honourable Sir Muhammad Zafrullah Khan: When this proposal was made to me, I felt that it was a very reasonable proposal and, therefore, after consultation with the Leader of the House the Government have decided that subject to your permission, Sir, the motion in my name in the list of business for Friday might stand out and the matter would then be taken up for discussion after the Finance Bill has been disposed of.

Mr. F. E. James (Madras: European): If this business is taken out, what will be the business on Friday?

The Honourable Sir Muhammad Zafrullah Khan: If this motion is taken out, I think I am right in saying that the Italian Sanction Bill will be taken up and then other Government business.

Dr. F. X. DeSouza (Nominated Non-official): On what date approximately will this Ottawa Resolution be taken up?

The Honourable Sir Muhammad Zafrullah Khan: That is entirely in the hands of the House.

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): What is the earliest possible date?

The Honourable Sir Muhammad Zafrullah Khan: I cannot say when the Finance Bill will be disposed of. As soon as the Finance Bill is disposed of, subject to anything very urgent that the Government might wish to get through, the motion on the Ottawa Agreement will be the next item of official business to be taken up. I cannot say at this stage when it will be set down on the agenda.

Mr. President (The Honourable Sir Abdur Rahim): It is for the Government to decide how to arrange their own business. The Chair takes it, the proposal made by the Honourable the Commerce Member in consultation with the Leaders of Parties will suit the convenience of the House.

Some Honourable Members: Yes, yes.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 13th February, 1936.

LEGISLATIVE ASSEMBLY

Thursday, 13th February, 1936.

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

MEMBER SWORN:

Mr. Arthur Shelden Hands, C.I.E., M.L.A. (Government of India: Nominated Official).

QUESTIONS AND ANSWERS.

EMPLOYMENT AND TRAINING OF INDIANS IN THE INDIA OFFICE IN LONDON.

350. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will Government lay on the table a statement containing the number of officers and clerks employed in the India Office in London?

(b) How many of them are Indians? Were any Indians employed in that office so far?

(c) Will Government state if any portion of the expenditure on the India Office is borne by Indian revenues, and if so, what?

(d) If the answer to part (c) be in the affirmative, will Government state the reasons why no steps have been taken to employ and train Indians in that office?

The Honourable Sir Henry Craik: I would refer the Honourable Member to the answer I gave to Dr. T. S. S. Rajan's starred question No. 266 on the 11th February, 1936.

CONVERSION OF EXISTING THIRD CLASS CARRIAGES INTO IMPROVED DESIGN CARRIAGES.

351. ***Mr. C. N. Muthuranga Mudaliar:** With reference to the news about the proposed design of improved third class carriages on State Railways, will Government state when they propose to put the same into actual use and whether they will convert existing carriages into the new type as soon as possible and utilise them for the comfort and convenience of the public?

The Honourable Sir Muhammad Zafrullah Khan: The design of the improved third class carriage is still under consideration. It is not the intention to convert existing third class carriages to the proposed new design.

Mr. Lalchand Navalrai: Can the Honourable Member give me an idea as to how many new third class carriages have been built by this time?

The Honourable Sir Muhammad Zafrullah Khan: Of the type that is still under consideration, none.

Mr. Lalchand Navalrai: Some new third class carriages were being exhibited at some stations to the people. I want to know how many of them have actually been built by this time.

The Honourable Sir Muhammad Zafrullah Khan: Only one.

Mr. C. N. Muthuranga Mudaliar: Is it not a fact that the new third class carriage was exhibited at the New Delhi railway station to members of the Railway Finance Committee even as early as last year?

The Honourable Sir Muhammad Zafrullah Khan: No, I do not think so. It has been seen by me and Members of the Railway Board, and I think it is the intention that members of the Central Advisory Council should also see it and make their suggestions at this stage; and, then, after all these suggestions have been received, the final design will be approved of.

FARES AND FREIGHTS FOR PASSENGERS AND GOODS IN JAPAN AND INDIA.

352. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will Government lay on the table a comparative statement of fares and freights for various classes of passengers and goods as in force in Japan and India?

(b) If no statistics are available at present about the railways in Japan, are Government prepared to take the necessary steps to obtain the same from their Agent in Japan or from the Japanese Government and place them as soon as possible on the table of the House?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Government have no information as regards fares and freights in Japan and do not consider that any useful purpose is likely to be served by arranging to obtain such information which must involve a considerable amount of labour.

INDIANS EMPLOYED IN THE LEAGUE OF NATIONS.

353. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will Government be pleased to lay on the table a list of the establishment of the League of Nations at Geneva, together with offices subordinate thereto, after obtaining the same from the League Office, if it is not available in India?

(b) Will Government say how many of the staff are Indians?

(c) Is it not a fact that the representation of Indians in the staff of the League is very inadequate?

(d) Will Government state what steps they have taken to increase the numbers of Indians employed in all capacities in the League Offices and in the Offices subordinate thereto?

(e) Are Government prepared to consider the advisability of deputing annually some purely Indian personnel from the various Secretariat Offices in India for training and experience in the League Offices and in the International Labour Office?

The Honourable Sir Nripendra Sircar: (a) and (b). The Honourable Member is referred to pages 1092 to 1121 of the League of Nations Official Journal, 16th Year, No. 10 of October, 1935.

(c) and (d). I must leave the Honourable Member to form his own conclusion as to the adequacy or otherwise of Indian representation in the Secretariat. My own opinion was indicated in my reply to part (d) of question No. 121 asked by Mr. Satyamurti on the 4th September, 1935, to which the Honourable Member is also referred in reply to part (d) of the present question.

(e) Government have no such system in contemplation, but I may mention that in recent years delegations to meetings of the International Labour Office have normally included Indian officers who have served in a Secretariat in India.

TRAINING OF INDIANS AS PILOTS, GROUND ENGINEERS AND MECHANICS.

354. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will Government state how many aviation depots or repair shops or works are maintained by the military department in India or from Indian revenues?

(b) Will Government say how many Indians are being trained in various capacities such as (i) pilots, (ii) ground engineers, (iii) mechanics and in other capacities, at present and if there is any policy behind such recruitment?

(c) Will Government lay on the table a statement showing the personnel employed in all the branches of the Royal Air Force in India in the various centres and commands?

(d) Will Government say how many Europeans have been got out from Great Britain or Anglo-Indians from India in respect of the posts referred to above and under what terms?

(e) Will Government say if such personnel trained in India at the cost of Indian revenues are liable at any time to be used by the English Army for their own purposes, and if so, whether it does not mean so much loss to India?

(f) Will Government state what amounts have been spent up to date from the inception of the Royal Air Force in India, from Indian revenues, both on headquarters establishment and outside offices and workshops?

(g) Will Government state if there are any military aviation centres or workshops in the Madras and Bombay Presidencies or if all these centres are concentrated in north-west India only?

Mr. G. R. F. Tottenham: (a) to (d) and (g). I take it that the Honourable Member is only referring to the Royal Air Force in India and the Indian Air Force and not to Civil Aviation.

The Royal Air Force consists of 251 officers and 1,860 other personnel. Their distribution is shown in a book entitled "Peace Establishment of Royal Air Force units in India", a copy of which I am placing in the Library. The organisation includes an Aircraft Park at Lahore and an Aircraft Depot at Karachi. These are the only military units of the kind referred to by the Honourable Member in this country. The Indian personnel employed with the Royal Air Force, excluding the ministerial establishment of Royal Air Force Headquarters and followers, number 556 most of whom are Artificers, Mechanical Transport Drivers and clerks. The Indian Air Force, the first flight of which was formed in 1932, is

stationed at Karachi and consists at present of eight Indian officers and 22 other personnel. There are also at present three British officers with it for instructional purposes. The Indian officers are trained as pilots in England before being commissioned. There are at present two cadets under training for commissions. The classification of the other personnel is shown in the statement which I lay on the table. There are in addition 32 apprentices under training. Ground Engineers are civil appointments.

(e) No.

(f) I would refer the Honourable Member to the yearly Finance and Revenue Accounts of the Government of India in which he will find the information he requires.

Statements showing ranks and trades of Indian Air Force Airmen.

Blacksmith.

1 Hawai Sepoy.

Coppersmith.

1 Hawai Naik.

Metal Rigger.

1 Hawai Naik, 4 Hawai Sepoys.

Fitters Aero Engine.

1 Hawai Naik, 2 Hawai Sepoys.

Photographer.

2 Hawai Sepoys.

Carpenter

2 Hawai Sepoys.

Storekeeper

3 Hawai Sepoys.

Clerk General Duties.

1 Hawai Sepoy.

Clerk Pay Accounting.

1 Hawai Sepoy.

Aircraft-hand.

3 Hawai Sepoys. (1 under training as Clerk General Duties.)

Mr. C. N. Muthuranga Mudaliar: Are there Indians among the ground engineers?

Mr. G. R. F. Tottenham: Ground engineers are civil appointments; they have nothing to do with the Royal Air Force or the Indian Air Force. I have no information on that point.

Mr. C. N. Muthuranga Mudaliar: Are there Indians among these 32 apprentices?

Mr. G. R. F. Tottenham: The 32 apprentices are Indians.

STEPS AGAINST COUNTRIES DISCRIMINATING AGAINST THE ENTRY OF INDIANS INTO THEIR TERRITORIES.

355. **Mr. C. N. Muthuranga Mudaliar:** (a) Will Government lay a statement on the table showing the numbers of Americans, South Africans, Australians and Canadians who reside and carry on business in India?

(b) Will Government state what, if any, steps they propose to take in regard to nationals of countries which discriminate against the entry of Indians into their territories, and in particular against the nationals of such countries from exploiting the mineral and other wealth of this country for their own advantage?

Sir Girja Shankar Bajpai: (a) A statement according to the census of 1931 showing the number of persons born in America, South Africa, Australia and Canada and resident in India is laid on the table. Information is not readily available as to how many of these carry on business in this country.

(b) Under the Reciprocity Resolution of the Imperial War Conferences of 1917 and 1918, each community of the British Commonwealth, including India, enjoys complete control of the composition of its own population by means of restriction on immigration from any of the other communities. So far as India is concerned the principle underlying the resolution has been provided for in the Immigration into India Act, No. III of 1924. No rules have been framed under the Act, as, in the opinion of Government, the need for this has not so far arisen. So far as the Government of India are aware, Indians who have settled in Australia and Canada are not subject to any economic restrictions and the reciprocity resolution, to which reference has been made, permits of the entry of Indians into these dominions for purposes of commerce. There is, therefore, no case for any retaliatory action against these two countries. So far as South Africa is concerned, resident Indians suffer from a number of disabilities, but Government do not consider that at this stage a policy of retaliation against South African nationals entering or resident in India will be the best way of securing the removal of these disabilities.

The Honourable Member has referred to Americans in part (a) of the question and it may therefore be added that the Government of the United States of America do impose by the Immigration Act of 1924 certain disabilities and restrictions upon entry into and residence in the United States of all Asiatics including Indians. The Government of India are giving careful consideration to this matter and have addressed His Majesty's Government with a view to representations being made to the Government of the United States of America. They do not consider that any further steps are necessary or desirable at present.

As regards the exploitation of mineral wealth, only British subjects are eligible for mining concessions.

Statement showing the number of persons born in America, South Africa, Australia and Canada and resident in India according to the Census of 1931.

United States of America 1,451

South Africa 2,538

Australia 560

Canada 428

Note.—Mostly Indians born in South Africa. The number of South Africans of non-Indian origin resident in India is very small.

Mr. M. Ananthasayanam Ayyangar: Have any restrictions been imposed so far on any citizens of the United States coming to visit India?

Sir Girja Shankar Bajpai: As far as I am aware, there are no restrictions.

Mr. M. Ananthasayanam Ayyangar: Are Government aware that when Dr. Rabindra Nath Tagore wanted to go to the United States, certain restrictions were imposed and his thumb impressions were also asked for?

Sir Girja Shankar Bajpai: I have been to the United States myself once, and that was some time ago. As far as I am aware, all immigrants into the United States of America have to comply with certain formalities.

Mr. M. Ananthasayanam Ayyangar: Are there similar restrictions or formalities here as now prevail in the United States of America?

Sir Girja Shankar Bajpai: I presume that there are such formalities in force in this country as suit the conditions in this country.

Mr. C. N. Muthuranga Mudaliar: Will Government proceed to frame rules under Act III of 1924, and take the necessary action if the representations of His Majesty's Government prove futile?

Sir Girja Shankar Bajpai: That, Sir, is a hypothetical question.

Mr. M. Ananthasayanam Ayyangar: May I know whether thumb impressions are insisted upon from any immigrant into India?

Sir Girja Shankar Bajpai: I am not aware that thumb impressions are insisted upon so far as entry into the United States of America is concerned, except for people who cannot sign.

Mr. Lalchand Navalrai: May I know the difference between the restrictions imposed when Americans go over here and Indians go over there?

Sir Girja Shankar Bajpai: I have already answered that question by implication, namely, that each country has formalities as regards entry which suit its particular requirements.

Mr. Lalchand Navalrai: Which is the formality that suits India?

Sir Girja Shankar Bajpai: I would suggest that my Honourable friend should study the passport regulations.

Pandit Lakshmi Kanta Maitra: In view of the fact that Government do not propose to take retaliatory measures against South Africa, what measures do Government propose to take for the removal of the disabilities which that Government impose?

Sir Girja Shankar Bajpai: My Honourable friend has been a Member of this House now for over a year; I have answered a number of questions regarding disabilities of Indians in South Africa, and I should like him to refresh his memory as to what I have said in reply to those questions.

Mr. S. Satyamurti: But nothing has been done!

Pandit Lakshmi Kanta Maitra: I wanted to know any specific measures which Government have taken.

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

INSTALLATION OF WATER TAPS AT STREET CROSSINGS IN NEW DELHI.

356. *Mr. C. N. Muthuranga Mudaliar: (a) Have Government considered the desirability of installing water taps for drinking water at all street crossings in New Delhi?

(b) Are Government aware that the absence of such taps causes great hardship to the various classes of persons who use the roads and that the provision of such taps is one of the amenities of every town?

Sir Girja Shankar Bajpai: (a) and (b). With your permission, Sir, I shall answer parts (a) and (b) of the question together. The New Delhi Municipal Committee are responsible for the provision of water taps for drinking water at street crossings in New Delhi and are considering the question of installing new taps at certain points. A statement giving the places on public streets (i) where water taps already exist, and (ii) where their installation is under consideration is laid on the table.

Statement.

(a) Places on public streets in New Delhi where water taps for drinking water already exist:

- (1) Connaught Place (near Hayat Furniture House).
- (2) Junction of Gurdwara Road and Asoka Road.
- (3) Queensway (near Pearey Lal Petrol Pump).
- (4) Prithviraj Road (near European Cemetery).
- (5) Talkatora Road (near Gwalior Transport Company).
- (6) Muntra Road (near Purana Qilla).
- (7) Junction of Akbar Road and King George's Avenue.

(b) Places on which the installation of water taps is under the consideration of New Delhi Municipal Committee:

- (1) In front of Safdarjang.
- (2) In front of Police Post, Nizam-ud-din, at the junction of Tughlak Road and Aurangzeb Road.
- (3) Near Delhi Gate at the junction of Muntra Road and Circular Road.
- (4) At York Place.
- (5) At the junction of Circular Road and Minto Road.
- (6) Near Kotla Ferozeshah.

SAFEGUARDING OF THE RIGHTS OF INDIANS SETTLED IN MESOPOTAMIA.

357. *Mr. C. N. Muthuranga Mudaliar: (a) Is it a fact that the Iraq Government have taken steps to send away all the Indians settled down in Mesopotamia?

(b) What steps do the Government of India propose to take to safeguard the rights of Indians settled down in Mesopotamia?

Sir Aubrey Metcalfe: (a) No, Sir.

(b) Does not arise.

Mr. C. N. Muthuranga Mudaliar: May I know if the Iraq Government contemplate the withdrawal of any trading facilities to Indian residents in that country?

Sir Aubrey Metcalfe: I do not think so.

ORDER-IN-COUNCIL CREATING A STATUTORY BAR AGAINST INDIANS IN KENYA.

358. *Mr. C. N. Muthuranga Mudaliar: (a) Is it a fact that the Governor of Kenya informed the European delegation that waited on them in September last, that the Secretary of State for the Colonies was actively engaged in preparing an Order-in-Council as recommended by the Kenya Land Commission?

(b) Are Government aware that the proposed Order-in-Council would create against the Indian community a statutory bar nowhere obtaining in the British Empire?

(c) Are Government prepared to take steps to represent to His Majesty's Government in England to drop the proposed Order-in-Council?

Sir Girja Shankar Bajpai: (a) Government have seen press reports to the effect that the Governor informed the deputation referred to by the Honourable Member that the question of implementing the Carter Commission Report was receiving active consideration.

(b) It is true that the proposed Order-in-Council will create a statutory disability in regard to the ownership of land by Indians in the Kenya Highlands, which does not exist in any other British colony.

(c) The attention of the Honourable Member is invited to the discussion on Mr. Satyamurti's adjournment motion last year and to the same Honourable Member's question No. 62 asked on the 5th February, 1936, and the replies thereto.

Mr. S. Satyamurti: When was Government's attention drawn to the press statement about the matter referred to in part (a) of the question?

Sir Girja Shankar Bajpai: That, I believe, Sir, was in November.

Mr. S. Satyamurti: Did Government pursue that, and make enquiries in authoritative quarters, as to whether the press statement was accurate to the extent that the proposed Order-in-Council was under active consideration?

Sir Girja Shankar Bajpai: The point is that the press report did not say that the Order-in-Council was under active consideration. What the press report said was that the question of implementing the Carter Commission's Report was under active consideration.

Mr. S. Satyamurti: What did the Government understand by "implementing" except by Order-in-Council?

Sir Girja Shankar Bajpai: Not necessarily that, because the Carter Commission were primarily concerned with the question of the definition of "boundary". The definition of "boundary" may be attained without an Order-in-Council which would mean the discriminatory treatment complained of by my Honourable friend.

Mr. S. Satyamurti: Did Government follow it up, and find out authoritatively what the Governor actually said?

Sir Girja Shankar Bajpai: They did not think it necessary to follow up as to what the Governor said as regards the active consideration of the question of implementing the Report. The Governor also said that he undertook to recommend to His Majesty's Government that the Order-in-Council should be shown to the settlers: that Government did follow up, and on that subject a despatch has already been issued by His Majesty's Government rejecting the request of the settlers.

Mr. S. Satyamurti: What is the latest position about the proposed Order-in-Council?

Sir Girja Shankar Bajpai: We made an enquiry on this subject, but have not had an answer.

Mr. S. Satyamurti: When was the enquiry made?

Sir Girja Shankar Bajpai: An enquiry was made, I think, about the middle of the last month.

ORDINANCE TO CONTROL AND REGULATE THE MARKETING OF NATIVE PRODUCE PASSED BY THE KENYA LEGISLATIVE COUNCIL.

359. *Mr. C. N. Muthuranga Mudaliar: (a) Is it a fact that recently a Bill styled 'An Ordinance to control and regulate the marketing of Native Produce' has been passed by the Kenya Legislative Council and that it is now awaiting the assent of the Secretary of State for the Colonies?

(b) Has the attention of Government been drawn to the deliberations of the Kenya Indian Conference held on 2nd and 3rd November, where the Bill referred to above was criticised as affecting the interests of Indians?

(c) Do Government propose to take steps to represent to His Majesty's Government in England that the measure, if passed into law, would be definitely injurious to the interests of Indians and that the measure should be dropped?

Sir Girja Shankar Bajpai: (a) The answer to the first part of the question is in the affirmative. As regards the second, the Ordinance has received the assent of His Majesty's Government and has been brought into force with effect from the 1st January, 1936.

(b) Yes.

(c) I would invite the attention of the Honourable Member to the relevant portion of His Excellency the Viceroy's speech to the Council of State and the Legislative Assembly on the 16th September last. The Government of India, after full consideration of the Ordinance as passed, decided not to make any further representations but to watch the operation of the measure.

Mr. S. Satyamurti: Before the Ordinance was assented to by the Secretary of State, did he consult the Government of India, or did the Government of India make any representation to him?

Sir Girja Shankar Bajpai: The position as regards that is that His Majesty's Government did enquire whether the Government of India wished to make any further representation in regard to the Ordinance as it had emerged from the Legislative Council. I happened to be in Bombay at the time, and I discussed this matter with the Honourable Mr. Pandya with whose activities and status in Kenya my Honourable friend is familiar, and Mr. Pandya did advise me that the best thing in the circumstances to do was to let the Ordinance go through, watch its operations, and then, if necessary, make further representations.

GRIEVANCES OF THE PILGRIMS TO THE HEDJAZ.

360. ***Qazi Muhammad Ahmad Kazmi:** (a) With reference to starred questions Nos. 269 and 270 asked by Sir Muhammad Yakub on the 11th September, 1935, regarding the report of Khan Bahadur Alhaj Muhammad Habibullah Khan, dated the 16th April, 1935, and entitled 'Some grievances of pilgrims to the Hedjaz' will Government be pleased to state whether they are aware that the Indian pilgrims were put to great inconvenience and harassment by the non-advertisement of the date of sailing S.S. "Rahmani" at Jeddah in March, 1935, against the provisions of paragraph 14 of the Manual of Instructions for pilgrims?

(b) Is it a fact that for that reason the shipping company waited from day to day to have the full complement of pilgrims at Jeddah and the pilgrims had to undergo great inconvenience and to incur the expenses of waiting for several days and even weeks at Jeddah?

(c) Is it a fact that the shipping company office at Jeddah did not supply labels for the heavy baggages of the pilgrims that were to be stored in the hold of the ship?

(d) Is it a fact that the pilgrims were charged Rs. 8-0-0 per head for the carriage of their luggage from on board the ship to shore and vice versa?

(e) Are Government aware that no one supervised the embarkation of heavy luggage at Jeddah, in spite of the realization of the embarkation fee, and the pilgrims had to undergo the trouble of supervising the embarkation and had to incur a good deal of extra expense?

(f) Is it a fact that the heavy baggages of the passengers, according to para. 18 of the Manual of Instructions for the pilgrims ought to have been registered, numbered and deposited in the hold before the ship left her moorings and are Government aware that it was allowed to lie on the deck of the ship to the great inconvenience of the passengers?

Sir Girja Shankar Bajpai: (a) Paragraph 14 of the Manual of Instructions for Pilgrims to the Hedjaz applies only to sailings from India. There is no obligation on the shipping company to give a fixed period of notice of sailings from Jeddah.

(b) The shipping company waited in order to avoid the inconvenience of a long wait to the larger number of pilgrims who were expected to arrive shortly at Jeddah after performing the pilgrimage.

(c) Government have received complaints to this effect.

(d) Yes. The charge has been reduced from Rs. 3 to Rs. 2-4-0 per head during the current pilgrim season.

(e) The allegation is not wholly correct. A representative of the Jeddah Agents of the shipping company visited the quay three or four times when embarkation was going on. The company have now been asked to instruct their Jeddah Agents to have a representative on the quay continually on the days of embarkation.

(f) Yes. Government have received complaints to this effect and have asked the shipping company to devise better arrangements for storing the heavy baggage of pilgrims in the holds.

GRIEVANCES OF THE PILGRIMS TO THE HEDJAZ.

361. ***Qazi Muhammad Ahmad Kazmi:** (a) Are Government aware that on S.S. "Rahmani" herds of sheep and goats were kept on the upper deck in close proximity to some pilgrim passengers who were thus much inconvenienced by the odour which the animals give out day and night?

(b) Is it a fact that animals were slaughtered in open space in front of deck latrines and in close proximity to the pilgrims?

(c) If the answer to parts (a) and (b) be in the affirmative have Government taken any steps to stop the recurrence of this practice?

Sir Girja Shankar Bajpai: Owing to insistence by pilgrims for the supply of fresh meat, ships have to carry live-stock and in the limited accommodation on board ship complete isolation of the animals from the passengers for purposes of accommodation or slaughter is difficult. Government, however, understand that the shipping company are investigating remedial measures.

BAD QUALITY OF FOOD SUPPLIED TO HAJ PILGRIMS ON S.S. "RAHMANI".

362. ***Qazi Muhammad Ahmad Kazmi:** (a) Is it a fact that the food supplied to the passengers on S.S. "Rahmani" was bad in quality and insufficient in quantity?

(b) Are Government aware that when one of the passengers on S.S. "Rahmani" complained about the food to the Captain of the ship on the Captain's own enquiry, the latter called him a *badmash*? Have Government made an enquiry into this matter? If so, with what result?

Sir Girja Shankar Bajpai: (a) There have been complaints to this effect.

(b) Government enquired into the incident and have been informed that although the epithet mentioned by the Honourable Member was used it was not done in an offensive spirit. Fresh instructions have been issued to the company emphasising that all officers should treat every passenger with courtesy.

CHANGE IN THE SYSTEM OF REALISING FOOD CHARGE FROM HAJ PILGRIMS.

363. ***Qazi Muhammad Ahmad Kazmi:** Have Government considered the suggestion of the Haj Committee of S.S. "Rahmani" that the system

of realizing food charges from the pilgrims at the time of purchasing tickets be discontinued and a decent restaurant on board the ship be opened, which should cater for pilgrims on cash payment and that a sum of Rs. 5 be kept as a deposit from every Haji for food expenses? If so, with what result? If not, why not?

Sir Girja Shankar Bajpai: Yes. In consultation with the Standing Haj Committee, Government have come to the conclusion that the proposal is not practicable.

ALLEGATIONS AGAINST THE EMPLOYEES OF S. S. "RAHMANI" BY THE HAJ PILGRIMS.

364. *Qazi Muhammad Ahmad Kazmi: (a) Are Government aware that the behaviour of all the employees of S.S. "Rahmani" towards the passengers generally was insulting and objectionable?

(b) If the answer to part (a) be in the negative, are Government prepared to take steps at least against the particular servants of the ships against whom specific complaints have been made or order such steps to be taken by the shipping company concerned? If not, why not?

Sir Girja Shankar Bajpai: (a) and (b). Government consider that the complaints against the staff were greatly exaggerated. The shipping company has, however, issued instructions reiterating that all pilgrims should be treated with courtesy by every one of its employees.

ALLEGED DISCOURTEOUS ATTITUDE OF THE FIRST CLERK AND SENIOR MEDICAL OFFICER TOWARDS THE MEMBERS OF THE HAJ COMMITTEE OF S. S. "RAHMANI".

365. *Qazi Muhammad Ahmad Kazmi: Have Government made an enquiry into the complaint of the Haj Committee, of S.S. "Rahmani" regarding the discourteous attitude of the First Clerk and Senior Medical Officer towards the members of the Haj Committee and for refusing help and withholding information from them by the said officer as well as by the Captain of the ship, during the discharge of their duties as members of the said Committee? If not, why not?

Sir Girja Shankar Bajpai: Yes. No complaint was presented on the ship or to the shipping company's officials on arrival and in subsequent enquiries the alleged discourtesy was denied.

COMPLAINT AGAINST THE DOCTOR-IN-CHARGE OF THE HOSPITAL IN S. S. "RAHMANI".

366. *Qazi Muhammad Ahmad Kazmi: (a) Will Government be pleased to state whether they have made any enquiry into the complaint in writing against the Doctor-in-charge of the hospital, who is alleged to have delayed the dressing of the wounds of an indoor patient by two days for extorting money from her? If so, with what result?

(b) If the answer to part (a) be in the negative, are Government prepared to hand over the matter to a proper court for trial?

(c) Have Government considered the advisability of keeping a lady doctor or a trained nurse on board the ship for female pilgrims? If so, with what result?

Sir Girja Shankar Bajpai: (a) Yes. The allegation is not correct.

(b) Does not arise.

(c) It is very difficult to obtain suitable women for such employment but efforts to do so are being continued.

PROVISION OF A LOUNGE FOR HIGHER CLASS PASSENGERS ON PILGRIM SHIPS.

367. *Qazi Muhammad Ahmad Kazmi: Have Government considered the suggestion of providing a lounge for higher class passengers especially when the doors of their cabins are practically blocked by deck passengers? If so, with what result?

Sir Girja Shankar Bajpai: The shipping company have considered the question of providing a lounge for higher class passengers and their latest vessel S.S. "Islami" has one. They have also reported that the deck passengers who block the alleyways near the cabins are the servants of cabin pilgrims and any attempt to remove them leads to trouble with the occupants of the cabins.

DISPOSAL OF DEAD BODIES ON PILGRIM SHIPS.

368. *Qazi Muhammad Ahmad Kazmi: Have Government considered the proposal for asking the shipping companies to engage a gang of Muslims for disposing of the dead bodies of the pilgrims and also to keep a *Ghassal* (male bather) and a *Ghassala* (female bather) for bathing dead bodies on board the ship? If so, with what result?

Sir Girja Shankar Bajpai: In view of the provisions of Rule 156 (4) of the Indian Pilgrim Ships Rules, 1933, Government do not consider any further action is called for.

EMPLOYMENT OF HAKIMS AND PROVISION OF INDIAN MEDICINES ON PILGRIM SHIPS.

369. *Qazi Muhammad Ahmad Kazmi: Have Government considered the suggestion that the shipping companies should engage a *Hakim* with a provision of Indian medicines for the treatment of pilgrims who are mostly habituated to this form of treatment? If so, with what result?

Sir Girja Shankar Bajpai: The Honourable Member's attention is invited to the answer to starred question No. 607 in this House on the 14th August, 1934.

PROVISION OF WATER TAPS, BATHS AND LATRINES ON PILGRIM SHIPS.

370. *Qazi Muhammad Ahmad Kazmi: Have Government considered the necessity of providing in S.S. "Rahmani" and other pilgrim ships, water taps, baths and latrines in every block where pilgrims are accommodated? If so, with what result?

Sir Girja Shankar Bajpai: The matter is under consideration.

REDUCTION OF THE NUMBER OF PASSENGERS ON S.S. "RAHMANI" AND OTHER SHIPS.

371. *Qazi Muhammad Ahmad Kazmi: (a) Have Government been pleased to consider the following remarks of the Haj Committee of S.S. "Rahmani" regarding the accommodation on S.S. "Rahmani", which is claimed to accommodate 1,601 deck passengers.

"leaving aside the space required for the fairly large number of officers and crew of the ship and also the fact that the 'Food Supply Company' has occupied a good part of the accommodation of the deck we would venture to say that s.s. Rahmani cannot accommodate more than 1,000 deck pilgrims..... we are sure that if it were possible for the members of the Port Haj Committee to see the pitiable plight of the pilgrims now lodged on the deck and ill-ventilated pit of Rahmani they would shed tears..... unless and until this place is greatly improved it is sheer cruelty to put in pilgrims in this suffocating pit which is a fit place for the herds of sheep and goats.....now enjoying the cool breeze on the upper deck. Would the unfortunate Hajis in the pit have changed places with them."?

(b) Have Government taken any steps towards the reduction of the number of passengers on S.S. "Rahmani" and other ships. If so, with what result?

(c) If the answer to part (b) be in the negative, will Government be pleased to state if they are prepared to take any steps in the matter? If not, why not?

Sir Girja Shankar Bajpai: The matter is under consideration.

PROVISION OF WOODEN BENCHES ON PILGRIM SHIPS.

372. *Qazi Muhammad Ahmad Kazmi: (a) Have Government considered the suggestion of the said Committee to the effect that wooden benches each 6 feet long $2\frac{1}{2}$ feet broad and $1\frac{1}{2}$ feet high be provided for each pilgrim, so that strong and weak may have his full share of space, and all small things belonging to the pilgrim may easily be kept under the bench and there may be no necessity of removing the beddings at the morning wash and cleaning of the decks? If so, to what effect?

(b) If the answer to part (a) be in the negative, are Government prepared to order the Shipping Companies to provide such wooden benches? If not, why not?

Sir Girja Shankar Bajpai: (a) and (b). Yes. Sleeping platforms for pilgrims were provided on two pilgrim ships as an experimental measure but the experiment did not prove a success. Government do not consider that the provision of benches will be more popular or convenient to pilgrims. They have, therefore, decided not to pursue the matter.

PROVISION OF ELECTRIC FANS IN THE PITS ON PILGRIM SHIPS.

373. *Qazi Muhammad Ahmad Kazmi: (a) Have Government considered the suggestion of the Haj Committee of S.S. "Rahmani" about providing electric fans in the pits used for accommodating passengers? If so, with what result?

(b) If the answer to part (a) be in the negative, are Government prepared to order the Shipping Companies to provide such fans?

Sir Girja Shankar Bajpai: The matter is under consideration.

PROVISION OF A HARBOUR AT JEDDAH.

374. *Qazi Muhammad Ahmad Kazmi: (a) Are Government aware that there is no harbour at Jeddah, and its absence causes much difficulty and inconvenience to passengers especially aged persons, women and children?

(b) In view of the large number of pilgrims who alight at Jeddah have Government considered the advisability of providing a proper harbour at Jeddah?

(c) If the answer to part (b) be in the negative, are Government prepared to help the pilgrims in this matter and arrange for a proper harbour at Jeddah?

Sir Girja Shankar Bajpai: (a) Government have received complaints to this effect.

(b) and (c). The matter is primarily the concern of the Government of Saudi Arabia.

PROVISION OF MORE GANGWAYS ON PILGRIM SHIPS.

375. *Qazi Muhammad Ahmad Kazmi: (a) Are Government aware that S.S. "Rahmani" which is claimed to be able to accommodate about 1,651 passengers is provided with only two gangways which are quite inadequate to meet the needs of pilgrims at the time of embarkation and disembarkation at Jeddah, and that the same is the condition of almost all the other steamers that visit Jeddah?

(b) Looking to the inconvenience and even danger to life are Government prepared to order the Shipping Company to provide at least double the number of present gangways?

Sir Girja Shankar Bajpai: According to the information furnished by the shipping company, the average rate of embarking or disembarking pilgrims at Jeddah is between 380 and 428 per hour. For this rate of embarkation two gangways are quite adequate.

REMOVAL OF NAMES OF CANDIDATE POSTMEN FROM THE WAITING LIST IN THE GANDAK POSTAL DIVISION.

376. *Mr. B. B. Varma: (a) Are Government aware that the names of thirty-four candidate postmen have been removed from the waiting train under the orders of the Superintendent of Post Offices, Gandak Division (Bihar and Orissa), in his memo. No. 2105, dated the 5th August, 1934, on the ground that the candidates had exceeded age limit?

(b) Is it a fact that before removing their names they were asked by the local postal authorities to produce affidavit from the court of the District Magistrate, Motihari, Champaran (Bihar and Orissa) in proof of their age and were these affidavits considered before removing the candidates?

(c) Is it a fact that some of the removed candidates have been appointed after 1st April, 1935 either as mail-peons or telegraph messengers?

(d) Will Government be pleased to state the reason of preferential treatment in case of some of the removed candidates?

(e) Is it a fact that most of these removed candidates had served either as postmen, mail-peons or telegraph messengers for twelve years or more?

(f) Do Government propose to reconsider their cases and condone their ages especially of such candidates who have put in over twelve years of service?

The Honourable Sir Frank Noyce: (a) to (f). Government have no information. The matter is within the competence of the Postmaster-General, Bihar and Orissa Circle, to whom a copy of the question and this reply is being sent.

REPAIR OF THE MOTIHARI HEAD POST OFFICE.

377. ***Mr. B. B. Varma:** (a) Will Government be pleased to state when the repair of the Motihari Head Post Office (Champaran—Bihar and Orissa), which was damaged in the earthquake, will be taken up?

(b) Are Government aware that the business of the Post Office is still carried on in Tattisheds (temporary huts), which are both unsafe and inconvenient?

(c) Is it a fact that the Engineers have declared the building safe after some repair? If so, do Government propose to take any action for the immediate undertaking of repairs?

(d) Will Government be pleased to state separately the cost incurred in the construction of the Tattisheds for the Motihari Head Post Office and the Superintendents (Posts and Telegraphs) Bungalow, Gandak Division, Bihar and Orissa, and the cost of repairs from 20th January, 1934 to 30th June, 1934?

The Honourable Sir Frank Noyce: (a) and (c). The opinion of the engineer who examined the building was that it will be safe if the top storey is removed and the ground floor repaired. This involves the erection of a new building to provide quarters for the Postmaster. Work on this and on repairing the old building has been commenced and it is anticipated that it will be completed in both cases by March next.

(b) Yes. Government do not consider the sheds to be unsafe as they have been strengthened and the cash and valuables are kept at night in the safe in the main building. There will, of course, be a certain amount of inconvenience until the post office is shifted back to the new building.

(d) The cost incurred on a temporary shed for the head post office was about Rs. 368 and on a temporary residence for the Superintendent of Post Offices, Gandak Division, was about Rs. 400. No expenditure was incurred for repairs during the period 20th January, 1934, to the 30th June, 1934.

TELEGRAPH OFFICES ON STATIONS ON THE BENGAL AND NORTH WESTERN RAILWAY.

378. ***Mr. B. B. Varma:** (a) Will Government be pleased to state whether there are Telegraph Offices existing in each of the stations of the

Bengal and North Western Railway? If the answer be in the negative will Government be pleased to state the names and number of Telegraph Offices that have been closed on different stations of the Bengal and North Western Railway?

(b) Are Government aware of the fact that this closure has been causing great inconvenience to the traffic of North Bihar, who are prevented from having free communication by Telegraph?

(c) Will Government be pleased to consider the feasibility of transmitting the messages through telephone if financial consideration do not permit opening of the Telegraph Offices?

(d) Are Government prepared to state the number of inward and outward telegrams dealt with by each of the stations where the telegraph offices have been closed during the last three years and the income derived thereby during that period?

The Honourable Sir Muhammad Zafrullah Khan: (a) For Railway working telegraph offices have been required in the past at every crossing station on a railway. When the exigencies of railway working permit, public telegrams have been accepted at these offices. Owing to improved methods of railway working, these telegraph offices are no longer required at forty-nine stations on the Bengal and North Western Railway the names of which are in the list which I lay on the table, and these have been closed on grounds of economy.

(b) No complaints have been received.

(c) This would probably be inconvenient, but I am sending the suggestion to the Agent for his consideration.

(d) Government have no information and do not consider that the expense involved in making enquiries would be justified.

List of Stations at which Telegraph Offices have been closed.

From 1st April, 1935.

- | | |
|---------------------|--------------------|
| 1. Kataria. | 20. Pachrukhi. |
| 2. Naugachia. | 21. Bhatapokhar. |
| 3. Kharik. | 22. Bankata. |
| 4. Narayanpur. | 23. Nunkhar. |
| 5. Pasraba. | 24. Gauribazar. |
| 6. Maheshkhunt. | 25. Sardarnagar. |
| 7. Lakhmunia. | 26. Kusmhi. |
| 8. Lakho. | 27. Domingarh. |
| 9. Begusarai. | 28. Jagatbela. |
| 10. Tilarth. | 29. Sahjanwa. |
| 11. Parmanandpur. | 30. Maghar. |
| 12. Nayagzon. | 31. Tinich. |
| 13. Santa. | 32. Gaur. |
| 14. Godinganj. | 33. Gonda Kachari. |
| 15. Ghupra Kachery. | 34. Matiapur. |
| 16. Keraswaha. | 35. Sarju. |
| 17. Daudpur. | 36. Gograghat. |
| 18. Ekma. | |
| 19. Chainwa. | |

From 15th June, 1935.

- | | |
|---------------|------------------|
| 1. Sarai. | 8. Muktapur. |
| 2. Goraul. | 9. Kishanpur. |
| 3. Kurhani. | 10. Hayaghat. |
| 4. Tundia. | 11. Laheriasara. |
| 5. Silout. | 12. Chhapra. |
| 6. Dholi. | 13. Dabingami. |
| 7. Pusa Road. | |

Mr. Lalchand Navalrai: Why have these offices been closed: is it on account of the new system?

The Honourable Sir Muhammad Zafrullah Khan: I have explained that it is due to the improvements which have been introduced with regard to the working of the system.

REFUND OF EMERGENCY CUT TO POSTAL OFFICIALS IN THE CHAMPARAN DISTRICT.

379. *Mr. B. B. Varma: Is it a fact that only 50 Postal Officials out of 214 in the district of Champaran (Bihar and Orissa) have received the refund of emergency cut? If the reply be in the affirmative, will Government be pleased to state the reason why the cases of other officials have been ignored, who had suffered equally during the great earthquake in Bihar? Are Government prepared to reconsider the cases of the remaining postal officials?

The Honourable Sir Frank Noyce: Out of 213 postal officials employed in the Champaran District 51 were allowed a refund of the amount of the emergency cut in pay for six months from the 1st April, 1934. The concession was given on the principle adopted by the Local Government and it was granted only to those who had suffered severely from the earthquake of January, 1934, and, in whose case, the imposition of the cut in pay would have caused exceptional hardship. It is not, therefore, a fact that the claims of officials, who suffered equally with those to whom the concession was granted, have been ignored. In these circumstances Government are not prepared to reconsider the matter.

RECRUITMENT TO THE INDIAN MEDICAL SERVICE.

380. *Dr. T. S. S. Rajan: (a) Has there been any recruitment for the Indian Medical Service since March, 1935?

(b) If so, how many were selected?

(c) How many of these were Indians and how many Europeans?

Mr. G. R. F. Tottenham: (a) Yes.

(b) 48.

(c) 21 Indians and 27 Europeans.

CONFIRMATION OF TEMPORARY INDIAN MEDICAL SERVICE MEN.

381. *Dr. T. S. S. Rajan: (a) Will Government state whether any temporary Indian Medical Service men who have been duly recommended by the Selection Board for permanent service, have been made permanent?

(b) If so, how many?

(c) Of these, how many were with Indian medical qualifications only?

Mr. G. R. F. Tottenham: (a) If the Honourable Member means during 1935, as in the previous question, the answer is in the negative.

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

TEMPORARY INDIAN MEDICAL SERVICE MEN.

382. *Dr. T. S. S. Rajan: (a) Will Government state how many temporary Indian Medical Service men complete their terms of contract of five years with the end of 1935?

(b) Were they discharged from service?

(c) How many of them had their contracts renewed?

(d) How many temporary Indian Medical Service men are there now in the service who have put in more than five years of service?

(e) Was there any recruitment for temporary service made during the year 1935?

(f) If so, how many with Indian qualifications only and how many with foreign qualifications were recruited?

Mr. G. R. F. Tottenham: (a) Four.

(b) No.

(c) All.

(d) Six.

(e) Yes.

(f) Five with Indian qualifications only and 21 with British.

RATIO FOR INDIANS AND EUROPEANS IN THE INDIAN MEDICAL SERVICE.

383. *Dr. T. S. S. Rajan: (a) Has the ratio of two Europeans to one Indian been maintained throughout this year in the Indian Medical Service cadre?

(b) What is the result of the investigations regarding the ratio of two Europeans to one Indian?

(c) If the ratio is maintained, will Government state their reasons for such a procedure?

(d) Is it a fact that the strength of the Army in India is two Indians to one British, and if so, what are the reasons for maintaining an inverse ratio in the Indian Medical Service?

(e) If the ratio is not statutorily fixed why is it rigidly followed in practice? Is it a fact that even though the European recruitment is meagre and not readily forthcoming?

Mr. G. R. F. Tottenham: (a) Yes, approximately.

(b) and (c). The matter is still under consideration.

(d) and (e). A fixed ratio is not even now maintained rigidly in the I.M.S., but it is necessary to have a greater number of British than Indian officers because the I.M.S. has to provide specially for the medical care of the British members of the Civil Services and also to maintain a war reserve of British officers against the war needs of the Army. In the event of war, Indian medical officers can be obtained locally, while British cannot.

Dr. T. S. S. Rajan: Last year I was told that in a year's time the matter would be settled: it is now just more than a year since that answer was given. What are the reasons for the delay?

Mr. G. R. F. Tottenham: I very much regret this delay, but the matter is a very complicated one: our recommendations on the subject were submitted to the Secretary of State some months ago, and his final reply has not yet been received.

Dr. T. S. S. Rajan: How do Government explain the fact that European civilians should be attended upon only by European I. M. S. officers?

Mr. G. R. F. Tottenham: That, Sir, is the existing policy.

Dr. T. S. S. Rajan: Are not Europeans available outside the I. M. S. to attend upon them?

Mr. G. R. F. Tottenham: No; there are a very small number indeed.

Mr. T. S. Avinashilingam Chettiar: What is the policy implied in saying that only European doctors should attend European civilians?

Mr. G. R. F. Tottenham: That is the policy.

INDIAN OFFICERS IN CERTAIN CATEGORIES OF MEDICAL APPOINTMENTS.

384. ***Dr. T. S. S. Rajan:** (a) How many Indian Officers are there in the following categories of appointments:

- (i) Surgeons-General in the various provinces.
- (ii) Inspectors General of Civil Hospitals in the various Provinces.
- (iii) Inspectors General of Prisons in the various Provinces.
- (iv) Director General of Public Health.
- (v) Director of Public Health in the Provinces.
- (vi) Director General of Medical Services.
- (vii) Director of Medical Services.
- (viii) Assistant Director of Medical Services.
- (ix) Deputy Director of Medical Services?

(b) How do Government explain the paucity of Indians in these appointments when the strength of the Indians is 1:2 in the Indian Medical Service cadre?

Mr. G. R. F. Tottenham: (a):

(i) One.

(ii) One.

(iii) Five.

(iv) The Honourable Member presumably means the Public Health Commissioner with the Government of India. This appointment is held by a British Officer.

(v) Four.

(vi) The Honourable Member presumably means the Director General, Indian Medical Service. This appointment is held by a British Officer.

(vii) to (ix). None. These appointments are held by officers of or above the rank of Colonel. There is no such Indian officer at present on the military side.

(b) Of the high appointments on the civil side mentioned by the Honourable Member more than 1/3 are at present held by Indians. On the military side there are at present no Indian officers of the requisite seniority.

CONSULTATION OF THE EXECUTIVE COUNCIL BY THE GOVERNOR GENERAL RECOMMENDATION OF THE CRIMINAL LAW AMENDMENT BILL.

385. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether the Executive Council of the Government of India was consulted by, or offered any advice to, the Governor General in respect of the recommendation of the Criminal Law Amendment Bill;
- (b) if so, what their advice was;
- (c) whether they advised the Governor General in favour of the recommendation, and if so, the reason why they decided to recommend that the opinion of the Legislative Assembly should be disregarded by the Governor General;
- (d) whether they were consulted by, or offered any advice to, the Governor General about the further progress of the Bill; and
- (e) whether they propose to respect the verdict of the House in respect of this Bill, and if not, why not?

The Honourable Sir Henry Craik: With your permission, Sir, I propose to give one reply to questions Nos. 385 and 386.

In the public interest the Government of India are not prepared to give the information asked for.

Mr. S. Satyamurti: On that matter, Sir, I submit for your ruling, that it is not open to Government to say they refuse to answer any question. The relevant Standing Orders provide for cases in which questions shall not be put: there are three categories—foreign relations, relations with any Indian States or Chiefs, or any matter which is being adjudicated in a Court of law. These are the specific categories which are prohibited from the scope of questions. This question does not obviously come under any of these categories.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member perhaps argued that question before and the Chair gave its ruling.

Mr. S. Satyamurti: You may yet revise your ruling. Fortunately for this House, Presidents' rulings are not binding on themselves—they could always reconsider a question. It has been held in the House of Commons.

Mr. President (The Honourable Sir Abdur Rahim): If anything fresh has occurred, yes: The Chair perhaps considered the matter fully.

Mr. S. Satyamurti: A fresh incident has occurred, and I should like you to reconsider the matter, if I may say so respectfully.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better look up the Chair's ruling first. If the Chair has given a considered ruling, it does not think it should be asked to reconsider it again within the course of a few months.

Mr. S. Satyamurti: On a fresh consideration—not on old considerations I agree: but, if a fresh thing has occurred, I think I am entitled to ask

Mr. President (The Honourable Sir Abdur Rahim): At any rate the Chair does not see any reason at the present moment to reconsider its decision.

Mr. S. Satyamurti: Will you kindly look at this question? It is a matter of great public interest.

Mr. President (The Honourable Sir Abdur Rahim): That is another matter. The Honourable Member may say that on this particular question the ruling of the Chair does not apply.

Mr. S. Satyamurti: I suggest this is a case in which the public are very deeply interested, and this House also is; and if Government were to say "I will not answer"

Mr. President (The Honourable Sir Abdur Rahim): What advice the Executive Council gave to the Governor General is a matter for them entirely.

Mr. S. Satyamurti: But we pay for them!

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot have everything exposed to the public view.

Mr. S. Satyamurti: What else are we here for, except to expose them?

Mr. President (The Honourable Sir Abdur Rahim): Certainly not: if the Government say this is their policy, then the Honourable Member can consider it; but what passes in the Council itself or between the Executive Council and the Governor General or the Secretary of State is not a matter which the Honourable Member can compel them to disclose: he knows the result of their deliberations; that is all.

Mr. S. Satyamurti: I do not know: that is my trouble: I know only the Governor General's decision—I do not know anything else.

Mr. President (The Honourable Sir Abdur Rahim): That is quite enough.

Mr. S. Satyamurti: I want to know what Government did. I cannot consider the action of the Governor General. Under the Standing Orders I am precluded from criticising the Governor General. But I am entitled under the law, as it stands, I submit, to criticise this Government; if they say "We were not consulted", there is an end of the matter, I have nothing more to say. I want to know if they were consulted or not and, if so, what their advice was.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has given its ruling, and it does not see any reason for changing it.

CONSULTATION OF THE EXECUTIVE COUNCIL BY THE GOVERNOR GENERAL IN CERTIFICATION OF THE CRIMINAL LAW AMENDMENT BILL.

†386. ***Mr. S. Satyamurti:** Will Government be pleased to state,

- (a) whether the Executive Council of the Government of India was consulted by, or offered any advice to, the Governor General in respect of the certification of the Criminal Law Amendment Bill;
- (b) if so, what the advice was; and
- (c) whether the advice to the Governor General was in favour of certification, and if so, the reason why they decided to recommend that the opinion of the Legislative Assembly expressed on two occasions decisively should be disregarded by the Governor General?

POSITION ON THE NORTH-WEST FRONTIER.

387. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their attention has been drawn to the two extracts from the *Statesman* and the extract from the *Hindustan Times* enclosed herewith;
- (b) what the latest position on the Frontier is; and
- (c) how long the Government expect to carry on this "War" on the Frontier before peace is secured?

Sir Aubrey Metcalfe: (a) Yes.

(b)–(c). Attention of the Honourable Member is invited to the reply given on the 6th February, 1936, to part (c) of question No. 98.

Mr. S. Satyamurti: Are Government considering this question, if I may say so, from the human point of view, and will they get into touch with the leaders of these tribes and see if anything definite and permanent cannot be settled?

Sir Aubrey Metcalfe: Government are in constant touch with the so-called leaders of the tribes.

Prof. N. G. Ranga: Is it a fact that bombs are still being thrown on villages from the air?

†For answer to this question, see answer to question No. 385.
‡Sent to the Department concerned.

Sir Aubrey Metcalfe: Certainly no bombs are being thrown at the present moment.

INDIAN ARMY CADETS REMOVED FROM THE INDIAN MILITARY ACADEMY.

388. ***Mr. S. Satyamurti:** (a) Will Government please state how many Indian Army Cadets were removed from the Indian Military Academy during the term ending June 1935 stating the names and the units to which they belong and their total period of service?

(b) What were the remarks of the Commandant, the Company Commanders on them, on the strength of which they were removed? What are the ranks of Company Commanders?

(c) What were the exact recommendations of the Brigade or District Commanders with regard to personality, powers of command and leadership and general fitness for a King's Commission in respect of each of these Cadets, and what are the names and ranks of officers who interviewed each of them and recorded their remarks on the form appended to Appendix IV-A of the Provisional Regulations respecting admission to the Indian Military Academy in accordance with para. 47 thereof?

Mr. G. R. F. Tottenham: (a) to (c). Eight Indian Army Cadets were removed because in the opinion of those best qualified to judge they were not likely to make good officers. I am not prepared to give the further detailed information asked for by the Honourable Member.

Mr. S. Satyamurti: What is the proportion of these eight to the total number?

Mr. G. R. F. Tottenham: For that particular term? Every term there are 15 open candidates and 15 Indian Army cadets. Eight Indian Army cadets were removed in that term, but they were not necessarily all who entered in that particular term—there might have been some from previous terms—I cannot say the exact proportion.

Mr. S. Satyamurti: May I know if Government have considered or have come to any conclusion after consideration, as to what are the main grounds on which these army cadets were removed? I am not asking for details—I am asking in order that people concerned may improve, and it may lessen the number who are likely to be sent out.

Mr. G. R. F. Tottenham: I think I may say the main ground was an insufficiently high standard of education.

Mr. S. Satyamurti: Are Government taking any steps to improve the standard of education of those who are likely to come up either directly or indirectly, by addressing the authorities concerned?

Mr. G. R. F. Tottenham: Yes; Government are taking very definite steps.

Pandit Lakshmi Kanta Maitra: What is the authority that judges whether a particular candidate is qualified or disqualified? Is there a selection board or examining body which examines these particular cadets?

Mr. G. R. F. Tottenham: No; if the Honourable Member would read the Regulations, he will find that it is all laid down there. A copy of the Regulations is in the Library.

Sardar Mangal Singh: How long were these cadets in the Academy?

Mr. G. R. F. Tottenham: I cannot say: one or two terms perhaps.

Pandit Lakshmi Kanta Maitra: Before removal, could they not be given a further trial?

Mr. G. R. F. Tottenham: No; they were given ample trial.

Pandit Lakshmi Kanta Maitra: For how long?

Mr. G. R. F. Tottenham: I cannot say in each case how long: some of them may have been there for a year or more, and some of them for less.

Pandit Lakshmi Kanta Maitra: Has the Honourable Member any personal knowledge of these cases?

Mr. G. R. F. Tottenham: No, Sir: I have no personal knowledge.

Pandit Lakshmi Kanta Maitra: Then, will he be good enough to make inquiries and find out for how long they were given a period of probation?

Mr. G. R. F. Tottenham: No, Sir; I don't think it is necessary to do so.

PROBLEMS OF INDIANS IN ZANZIBAR.

389. ***Mr. S. Satyamurti:** Will Government be pleased to state

(a) whether their attention has been drawn to the statement of Mr. C. F. Andrews about the problems of Indians in Zanzibar, reported in the extract sent herewith;

(b) whether Government propose to take steps as suggested in the statement; and

(c) if not, why not?

Sir Girdja Shankar Bajpai: (a) Yes. (b) and (c). I would invite the attention of the Honourable Member to the reply given by me on the 5th of this month to his question No. 61.

Mr. S. Satyamurti: Have Government since pursued this matter?

Sir Girdja Shankar Bajpai: The fact of the matter is that, since the day before yesterday, Government are pursuing it very actively with Mr. Tayabji who is already here from Zanzibar.

†Sent to the Department concerned.

Mr. S. Satyamurti: Have the Government of India sent their despatch?

Sir Girja Shankar Bajpai: Not until I have finished my discussion with Mr. Tayabji, but I can assure my Honourable friend that the despatch will go very soon.

Mr. S. Satyamurti: Have Government heard anything about the riots, since the last question was put from His Majesty's Government?

Sir Girja Shankar Bajpai: That does not arise out of this question, Sir, but I can inform my friend that we have not had a reply yet.

EXPLOSION AT THE ABBOTTABAD AERODROME.

390. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- whether their attention has been drawn to the news item regarding explosion at the Abbottabad aerodrome published in the extract enclosed herewith;
- whether the Court of Enquiry has completed its investigations, and what its conclusions are; and
- what steps, if any, do Government propose to take to avoid or minimise such disasters in the future?

Mr. G. R. F. Tottenham: (a) Yes.

(b) Yes. The findings were:

(i) that the deaths and injuries to personnel and the loss of the two aircraft were caused by the explosion of a bomb while it was being removed from an aeroplane on the ground which subsequently ignited petrol;

(ii) that the cause of the detonation of the bomb and the responsibility therefor could not be determined for certain, but that there was no evidence of carelessness or neglect.

(c) The matter is still under examination.

Mr. S. Satyamurti: Which matter is under consideration? Does the Honourable Member mean the steps to be taken?

Mr. G. R. F. Tottenham: Yes, Sir: that is what the Honourable Member asked. That matter is still under examination.

REPLACEMENT OF THE AUDIT SERVICE BY CIVILIANS AND REPORT OF THE WHEELER COMMITTEE.

391. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- whether their attention has been drawn to the accompanying letter† from Simla, dated September 2, in *The Hindu*;
- whether it is a fact that the Audit Service is being replaced by Civilians; and if so, the reasons therefor; and
- whether the report of the Wheeler Committee will be placed before the Legislature for discussion and expression of opinion before the Government of India decides to take action thereon?

†Sent to the Department concerned.

The Honourable Sir James Grigg: (a) Yes.

(b) No.

(c) No decision has been taken, but I can give no guarantee that the report will be discussed in the Legislature before action is taken thereon.

Mr. S. Satyamurti: May I know, Sir, why Government cannot give any guarantee that this Report, which may involve increase of expenditure, will be placed before this House?

The Honourable Sir James Grigg: I do not think it is profitable to discuss anything before the Report is presented.

Mr. S. Satyamurti: May I know, Sir, why they say that they will not give any guarantee that the Report will be discussed in the House, before action is taken on it?

The Honourable Sir James Grigg: Because we cannot readily foresee the circumstances and the time at which the decisions will be taken.

Mr. T. S. Avinashilingam Chettiar: Will the Report be published, Sir?

The Honourable Sir James Grigg: I do not know.

Mr. T. S. Avinashilingam Chettiar: Then, who knows? (Laughter.)
(No reply.)

PREPARATIONS FOR ANY CONTINGENCY OF WAR.

392. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- whether Government are warning all officers of the Indian Reserve to hold themselves in readiness for active service;
- whether nurses in Government Hospitals are being sounded as to whether they are prepared to proceed on active service in the event of war; and
- whether any other arrangements or preparations are being made for any contingency of war in the near future?

Mr. G. R. F. Tottenham: (a) No.

(b) No.

(c) It is the essence of military training and organisation to be ready for war. No unusual preparations are being made.

Mr. S. Satyamurti: May I take it then that the Government of India anticipate no immediate war?

Mr. G. R. F. Tottenham: The Honourable Member may draw his own conclusions.

IMPORTS OF JAPANESE SPORT SHIRTS AND OTHER COTTON APPAREL GOODS.

393. *Mr. S. Satyamurti: Will Government be pleased to state:

- (a) whether any representation has been received from the Committee of the All-India Hosiery Manufacturers Association with regard to the serious situation created by the ever-increasing imports at all Indian ports and in Burma of sport shirts and other cotton apparel goods from Japan;
- (b) whether Government propose to amend the Tariff Act on the lines suggested in the representation; and
- (c) if not, why not?

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

(b) and (c). It is not the practice of Government to disclose their intentions beforehand in these matters.

Mr. S. Satyamurti: I am very grateful for that answer, Sir, but may I know whether the Government are considering this matter, in view of the very serious situation created by the facts mentioned in clause (a) of this question?

The Honourable Sir Muhammad Zafrullah Khan: Yes, Sir.

RECOGNITION OF COMMUNAL ASSOCIATIONS OF GOVERNMENT OR RAILWAY SERVANTS.

394. *Mr. S. Satyamurti: Will Government be pleased to state:

- (a) whether it is the policy of Government to recognise communal associations among Government or Railway servants;
- (b) whether they have considered the deleterious effect of such Associations among Government servants; and
- (c) whether they are prepared to take steps to see that communalism does not spread among Government servants?

The Honourable Sir Henry Craik: (a), (b) and (c). The Government have in the past recognised some associations representing Indian officers on the one hand and European officers on the other hand. But the Rules now in force for the recognition of associations of Government servants or Railway servants on State-managed Railways preclude the recognition of associations which restrict their membership to particular communities.

Mr. M. Ananthasayanam Ayyangar: What in the answer to clause (c) of this question, Sir?

The Honourable Sir Henry Craik: I gave one answer to all parts.

Mr. President (The Honourable Sir Abdur Rahim): The answer has already been given in the House.

Mr. M. Ananthasayanam Ayyangar: I did not hear the answer to clause (c), Sir. Then, how could I follow it?

The Honourable Sir Henry Craik: Would the Honourable Member like me to read it again?

Mr. M. Ananthasayanam Ayyangar: Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim): No, it has already been read out once.

SITUATION OF THE INDIAN SALT INDUSTRY.

395. *Mr. S. Satyamurti: Will Government be pleased to state:

- (a) whether their attention has been drawn to the critical situation of the Indian salt industry; and
- (b) whether they propose to take any action in the matter, and if not, why not?

The Honourable Sir James Grigg: (a) and (b). Government have received a representation from the Indian Salt Association asking for the continuance of the existing protection and it is under consideration.

Mr. S. Satyamurti: Did he receive a deputation the other day from the Indian Salt Manufacturers' Association?

The Honourable Sir James Grigg: Yes, Sir.

Mr. S. Satyamurti: Did they create a good impression on the Finance Member?

The Honourable Sir James Grigg: I cannot tell him that.

APPOINTMENT OF A SPECIAL OFFICER TO LOOK AFTER MUSLIM INTERESTS IN RAILWAY SERVICES.

396. *Mr. S. Satyamurti: Will Government be pleased to state:

- (a) whether they are contemplating the appointment of a special officer to look after Muslim interests and the ratio of Muslim representation in the Government of India State Railway services?
- (b) the reason for that; and
- (c) whether the Government have considered whether the present financial position of the Railways will stand the appointment of an extra officer?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (c). In view of considerable increase in Establishment Work, Government have found it necessary to create a temporary post of additional Deputy Director, Establishment, Railway Board, for one year with effect from 17th October, 1935. This officer, in addition to other work, deals with questions relating to communal representation on Indian Railways.

Mr. S. Satyamurti: What are his other duties?

The Honourable Sir Muhammad Zafrullah Khan: He prepares replies to a large number of the questions put with regard to the Railway Department in this House.

Mr. S. Satyamurti: Who was doing it, before he was appointed?

The Honourable Sir Muhammad Zafrullah Khan: The work was distributed among the various branches of the Railway Board before this officer was appointed, but the number of questions has grown at such a rate that it was found necessary to make special arrangements.

Mr. S. Satyamurti: What is the total damage to the taxpayer, as a result of this appointment?

The Honourable Sir Muhammad Zafrullah Khan: Does the Honourable Member mean what his pay is to be? I would require notice as to the exact amount, but he is getting the same pay as a Deputy Director.

Mr. S. Satyamurti: Have Government considered the question that, in the straitened finances of the Railways, it is almost criminal to make an additional appointment like this?

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot allow that question.

Mr. S. Satyamurti: Sir, I want to know if Government have considered that it is reckless to add to the expenditure of the Railways, in these days of straitened finances of the Railway Department?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member may rest assured that nothing would be added to the expenditure of the Railways unless it was absolutely necessary, but if the Railway Board are to continue to discharge the duties that are imposed upon them, then they must have the absolutely necessary minimum establishment.

Mr. S. Satyamurti: What is the minimum, or is there any further increase proposed?

The Honourable Sir Muhammad Zafrullah Khan: There is no further increase proposed.

Sardar Sant Singh: May I know, Sir, to what community does this officer belong?

The Honourable Sir Muhammad Zafrullah Khan: Muslim.

Sardar Sant Singh: May I know, Sir, how will a Muslim be able to safeguard the interests of other communities?

The Honourable Sir Muhammad Zafrullah Khan: I have no reason to think that a Muslim officer will not be able to safeguard the interests of other communities as well as an officer of any other community will be able to safeguard the interests of the Muslim community.

Sardar Sant Singh: Does the Honourable Member contemplate appointing a member of any other community to this office?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir, because the present incumbent who holds this office will continue to hold office till he completes his one year, and when his period of office comes to a close, Government will reconsider whether it is necessary to appoint another officer, and if they consider it necessary to continue the appointment, they will appoint a suitable man to whatever community he may belong.

POSITION OF INDIANS IN MAURITIUS.

397. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their attention has been drawn to the accompanying extract† from the *Hindustan Times*, about the position of Indians in Mauritius; and
- (b) whether Government propose to take action as suggested in the Resolutions passed by the meeting of Indians, and if not, why not?

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

(b) I would point out to the Honourable Member that the Resolutions in question do not suggest that any action should be taken by the Government of India.

Mr. S. Satyamurti: What is the position of Indians in Mauritius to-day?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I could not say anything, apart from the cutting which the Honourable Member has supplied that they have some grievances with regard to their trade. In that cutting, they have suggested to their Governor that their grievances should be placed before the Home Government and the Colonial Office.

Mr. S. Satyamurti: Have the Government of India made any inquiries, or will they make inquiries in this matter?

The Honourable Sir Muhammad Zafrullah Khan: Inquiries into what matter?

Mr. S. Satyamurti: Inquiries into the grievances of Indians in Mauritius.

The Honourable Sir Muhammad Zafrullah Khan: The Indians in Mauritius have no grievances against the Government of India.

Mr. S. Satyamurti: May I know, Sir, if the Government of India have no interest in the position of Indians in other countries, and whether they will be prepared to make inquiries as to what the grievances are of the Indians in Mauritius, and take suitable steps to remedy those grievances?

Mr. M. Ananthasayanam Ayyangar: Has the export of opium to China been prohibited?

The Honourable Sir James Grigg: I am grateful for the information which the Honourable Member is giving.

INDUSTRIES RECEIVING PROTECTION FROM GOVERNMENT.

402. ***Mr. Akhil Chandra Datta:** Will Government be pleased to state what are the industries now receiving protection from Government which derive from abroad

- (a) the whole of their raw material;
- (b) 25 per cent. of their raw material;
- (c) 50 per cent. of their raw material; and
- (d) 75 per cent. of their raw material?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b), (c), and (d). Complete information is not available, but so far as it is available, it is contained in the Reports of the Tariff Board and the Evidence Volumes, copies of which are in the Library.

INDIGENOUS INDUSTRIES ENJOYING GOVERNMENT PROTECTION.

403. ***Mr. Akhil Chandra Datta:** Will Government be pleased to state:

- (i) how many indigenous industries enjoy the protection of Government; and
- (ii) if they have in their view any other industries which they propose to give protection to in the near future?

The Honourable Sir Muhammad Zafrullah Khan: (i) Presumably the Honourable Member is referring to tariff protection. The following industries are granted such protection:

- (1) Iron and Steel,
- (2) Magnesium chloride,
- (3) Paper and paper pulp,
- (4) Match,
- (5) Salt,
- (6) Sugar,
- (7) Gold thread,
- (8) Cotton textile and
- (9) Sericulture.

(ii) The Government of India are not aware of any other industry which fulfils the conditions prescribed by the Indian Fiscal Commission.

PROTECTION OF INDIAN INDUSTRIES AGAINST JAPANESE COMPETITION.

404. ***Mr. Akhil Chandra Datta:** Will Government be pleased to state:

- (i) if there is a specific provision in the Indo-Japanese Trade Agreement which gives freedom to the Government of India to counteract the adverse effect of the fall of the Yen on an Indian industry by the imposition of compensatory duties;

- (ii) if they are aware of the fact that the continued fall of the Yen combined with other causes has seriously affected the Indian industries; and
- (iii) if they have taken any advantage of the said provision to protect the Indian industries against the ruinous Japanese competition?

The Honourable Sir Muhammad Zafrullah Khan: (i), (ii) and (iii). The Honourable Member is referred to the reply given to parts (a), (b) and (c) of Pandit Krishna Kant Malaviya's starred question No. 6 during the current Session.

GROWTH OF THE INDIGENOUS GLASS INDUSTRY.

405. ***Mr. Akhil Chandra Datta:** Are Government aware of the fact that Japanese dumping and the fall of Yen both seriously threaten the existence of the glass industry in India? If so, what steps have they taken to save and to develop the growth of the indigenous glass industry?

The Honourable Sir Muhammad Zafrullah Khan: The attention of the Honourable Member is invited to the Government of India, Commerce Department, Resolution No. 458-T (14), dated the 22nd June, 1935, since the publication of which there has been no material change in the exchange value of the Yen in terms of rupees.

GRANT OF PROTECTION TO THE GLASS INDUSTRY.

406. ***Mr. Akhil Chandra Datta:** (a) Will Government be pleased to state on how many occasions the recommendations of the Tariff Board have been rejected by them?

(b) Will Government be pleased to state:

- (i) if in view of the recommendations of the Tariff Board and in view of the strong and persistent demand of the Indian Glass Industry they propose to consider the advisability of granting immediate protection to the glass industry; and
- (ii) whether there are any steps considered by Government to ensure the development of this industry; and if so, whether they propose to take such steps?

(c) Will Government be pleased to state if they are prepared to have all orders of glass articles required by the civil and military departments placed with Indian firms?

(d) Are Government prepared to reconsider the advisability of establishing a Glass Research Institute as recommended by the Tariff Board?

(e) What is the general policy of Government as regards the grounds on which the recommendations of the Tariff Board should be rejected by them? Are the grounds merely economic and financial or are they political also?

The Honourable Sir Muhammad Zafrullah Khan: (a) I lay a statement on the table giving the information in brief.

(b), (i) and (ii). The decisions of Government which were announced in Commerce Department, Resolution No. 458-T (14), dated the 22nd June, 1935, were taken after full and careful consideration of the case in all its aspects. There has been no change in the position since.

The Honourable Sir Muhammad Zafrullah Khan: The grievances in this matter are pointed out in the cutting itself, and the cutting itself indicates the action that they think proper to be taken. That is the only course of action to be pursued which they themselves are pursuing.

SITUATION IN THE NORTH-WEST FRONTIER PROVINCE.

398. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- whether their attention has been drawn to the accompanying extract† from the *Statesman* about the situation in the North-West Frontier Province;
- whether Government will throw any light on the matters mentioned therein; and
- what is the latest position?

Sir Aubrey Metcalfe: (a) Yes.

(b) The facts regarding the grant of compensation of Rs. 50,000 to the Tori Khel Wazirs are briefly that the area in respect of which payment has been made is situated near Razmak on the boundary of Mahsud and Wazir tribal lands and immediately adjoining the permanent military camp at that place. This area has been in dispute for many years between the Wazirs and Mahsuds, and as the dispute was a cause of constant anxiety to the garrison of the camp, and also involved the question of our good faith to the Wazirs, Government acquired it for themselves by payment of the sum mentioned to the Wazirs, whose claims to it were admitted to be superior to those of the Mahsuds. It is hoped that by this measure a lasting settlement has been obtained of this troublesome and dangerous problem. The fact of Chimnai's assassination, which took place on the 27th August 1935, and also an account of the Hazara Border trouble have already been published in the press.

(c) The situation on the Frontier is generally peaceful.

BALANCE OF TRADE.

399. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- whether their attention has been drawn to the accompanying note† regarding balance of trade from the Simla Correspondent of the *Hindustan Times*, dated the 30th August,
- whether the figures stated therein are correct; and
- what action do Government propose to take in the matter?

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

(b) Yes.

(c) Government do not consider that a temporary set back which occurred more than six months ago is a matter which calls for any action.

ADULTERATION OF DRUGS.

400. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- whether their attention has been drawn to the accompanying extract† from the *Statesman*;

† Sent to the Department concerned.

- whether they propose to take any action to check this growing evil of drug adulteration; and
- if not, why not?

Sir Girja Shankar Bajpai: (a) Yes.

(b) and (c). I would refer the Honourable Member to the answer given by me to his question No. 34 on the 4th of this month.

PROHIBITION OF THE SALE OF OPIUM.

401. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- whether their attention has been drawn to the Resolution of the Assam Provincial Congress Committee to approach the League of Nations to take steps for the total prohibition of the sale of opium in Assam;
- what is the policy of Government in this matter; and
- why they do not prohibit the sale of opium in any part of the country?

The Honourable Sir James Grigg: (a) Yes.

(b) The policy of the Government of India is one of non-interference with the moderate use of raw opium, though every possible measure should be taken to prevent abuse.

(c) Excise is a provincial transferred subject. As regards Central Administered Areas, the policy of the Government of India is not one of complete prohibition.

Mr. S. Satyamurti: Have Government made any enquiries about conditions in Assam? Are they satisfied that the use of opium there is moderate, and what is the test of moderation?

The Honourable Sir James Grigg: The subject of opium is one with which I am imperfectly acquainted. I would rather that the Honourable Member should put down his question.

Mr. G. Morgan: Are Government aware that nearly thirty years ago

The Honourable Sir James Grigg: No. (Laughter.)

Mr. G. Morgan: Will Government kindly look up the records and find out whether it is a fact that the number of opium licensees was severely curtailed by the Government of Eastern Bengal and Assam and that the consumption of ganja, which is a far worse drug, has increased enormously?

The Honourable Sir James Grigg: I am prepared to take it from the Honourable Member.

Mr. M. Ananthasayanam Ayyangar: Are Government aware if similar substitutes have been found in China?

The Honourable Sir James Grigg: As I have said already, I am imperfectly acquainted with the subject both as regards India and China.

(c) Government are not prepared to order that articles must be purchased from firms in India without regard to either quality or price, but the Stores Purchase Rules apply to glass as to other purchases.

(d) The Honourable Member is referred to the reply given by the Honourable Sir Frank Noyce to part (b) of Pandit Krishna Kant Malaviya's starred question No. 4 on the 4th February, 1936.

(e) The Government are guided by the principles laid down in the Resolution adopted by this House on the 16th February, 1928.

Statement showing important recommendations of the Tariff Board which were not accepted by the Government or were accepted in a modified form:

Subject of enquiry.	Decisions of Government.
1. Increase of duties on Steel (1924)	Recommendations accepted in a modified form.
2. Grant of protection to the Cement Industry (1925).	The recommendation to pay bounties on cement consigned from an Indian factory to the ports or to railway stations within a specified radius of the ports was not accepted.
3. Grant of protection to the Cotton Mill Industry (1927).	The recommendation by a majority of the Board for payment of a bounty on yarns of higher counts was not accepted. The recommendation by a majority of the Board to increase the import duty on cotton piecegoods from 11 per cent. to 15 per cent. <i>ad valorem</i> was not accepted.
4. Grant of protection to the plywood and Tea Chest Industry (1927).	The recommendation for an export duty on tea packed in chests not made in India was not accepted.
5. Heavy Chemical Industry (1929)	Recommendations accepted in a modified form.
6. Salt Industry (1930)	Recommendations accepted in a modified form.
7. Continuance of protection to the Cotton (Textile) Industry (1932).	Recommendation accepted in a modified form.
8. Grant of protection to the Sericultural Industry (1933).	Recommendations accepted in a modified form.
9. Grant of protection to the Glass Industry (1932).	Recommendations not accepted.
10. Removal of tariff inequality in respect of Hides and Reeds (1934).	Recommendations not accepted.
11. Grant of protection to the Woollen (Textile) Industry (1935).	Recommendations not accepted.

Mr. M. S. Aney: Will Government be pleased to state what are the total requirements of glass articles for the civil and military departments of the Government of India?

The Honourable Sir Muhammad Zafrullah Khan: Will the Honourable Member please give notice of that question? I shall then supply him with the information.

Mr. S. Satyamurti: With reference to the answer to clause (c) of the question, may I know if the price preference, which forms part of the stores purchase policy of the Government of India, is laid down for all articles, or does the preference vary with regard to particular articles having regard to their need for specific protection, and other relevant considerations, applying to each industry?

The Honourable Sir Muhammad Zafrullah Khan: I believe the policy is general.

Mr. S. Satyamurti: Will Government be good enough to consider whether, in respect of particular industries whose development might be necessary for the economic well-being of this country, some articles may require greater preference than other articles?

The Honourable Sir Muhammad Zafrullah Khan: There is no percentage of preference laid down.

Mr. S. Satyamurti: May I take it, therefore, that every article is being examined by the Government from the point of view of its specific requirements, and will Government lay down a policy with regard to each article, and not a uniform one for all articles?

The Honourable Sir Muhammad Zafrullah Khan: That raises a very large question, but consideration is paid to each order which is to be supplied, and many relevant factors enter into the final decision.

Mr. M. Ananthasayanam Ayyangar: Are Government taking any steps to encourage the production of soda ash in this country, as, for want of it, Government are persistently refusing protection to this industry?

The Honourable Sir Muhammad Zafrullah Khan: Government are looking into the question to see whether there are any possibilities of manufacture of soda ash in this country materialising.

Mr. M. Ananthasayanam Ayyangar: How long has it been under consideration? Are Government aware that in the Kathiawar States they are trying to produce soda ash?

The Honourable Sir Muhammad Zafrullah Khan: There was an attempt to produce it at Dhrangadra, and that was the enterprise which the Tariff Board had in view when they made their report. I am afraid, enquiries show that these works have been closed down, and I do not think it is the intention of that particular State to revive this industry.

Pandit Lakshmi Kanta Maitra: In view of the fact that Government do not propose to do anything for this particular industry after that Resolution of theirs, do Government not think it advisable that at least special preference should be given to glass produce of Indian firms?

The Honourable Sir Muhammad Zafrullah Khan: Special preference in what respect?

Pandit Lakshmi Kanta Maitra: Glass produce of Indian works.

distances upto 65 miles, which is the maximum distance over the suburban area, applied to intermediate class ordinary return tickets and that this limit was made applicable to third class ordinary return tickets when these were introduced in October, 1934.

HOT WATER CHARGES IN THE WAITING ROOMS AND RETIRING ROOMS AT DELHI AND CAWNPORE.

417. *Seth Haji Abdoola Haroon: (a) Is it a fact that there are waiting rooms and retiring rooms at Delhi and Cawnpore?

(b) Who are the caterers on these stations for the refreshment rooms?

(c) Is it a fact that some arrangements are made with these caterers to supply hot water to the passengers? If so, what are the rates?

(d) Are Government aware that these caterers are charging eight annas per bucket?

(e) Do Government propose to have this charge reduced?

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

(b) At Delhi, Messrs. Spencer and Company, S. L. Kapoor and Company and Mr. M. Khadim.

At Cawnpore, Messrs. C. F. Kellner and Company, S. L. Kapoor and Company and Isa Brothers.

(c) Only one of the caterers at each of these stations supplies hot water. I am placing on the table a statement showing the rates charged.

(d) No.

(e) Does not arise.

Statement.

The rates charged for the supply of hot water are as follows:
At Delhi, by Messrs. Spencer & Co.:

per pint	one anna.
per small kettle	two annas.
per gallon, for less than three gallons	three annas.
per gallon, for not less than three gallons	two annas.
per bucket	four annas.

Note.—The bearer in charge of retiring rooms arranges the supply of hot water at two annas per bucket.

At Cawnpore, by Messrs. Kellner & Co.:

per bucket when one or two buckets are required	two annas.
for a hot bath, up to a maximum of six buckets	eight annas.

APPOINTMENT OF DR. C. L. FABRI AS ASSISTANT SUPERINTENDENT IN ARCHÆOLOGY.

418. *Mr. C. N. Muthuranga Mudaliar: (a) Will Government state:

(i) whether it is a fact that one Dr. C. L. Fabri was disqualified for appointment under the Government of India in the Archæological Department on the score that he is a non-British subject;

(ii) whether he has been appointed assistant superintendent in Archæology—*vide Gazette of India*, dated 16th November, Part I, page 1813—in contravention of the statutes; and

(iii) whether the post in which he has been appointed was advertised and applications were called for?

(b) If the reply to part (a) (iii) be in the affirmative, will Government state how many persons applied for? Was there no Indian available? If it was not advertised for, why not? Was the Public Services Commission consulted whether candidates were available or not? If not, why not?

(c) How many candidates applied for the post of Assistant Superintendent for Archæology along with Dr. C. L. Fabri?

(d) How many of them and in what order were they recommended?

(e) Is none of the candidates recommended by the Commission available for the place offered to Dr. C. L. Fabri?

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

(ii) No.

(iii) No.

(b) It is not necessary to advertise or call for applications for temporary appointments. Actually Dr. Fabri was considered by the Public Service Commission to be best qualified for a permanent vacancy in the Department.

(c) to (e). Do not arise.

Mr. C. N. Muthuranga Mudaliar: Was the Public Service Commission consulted with regard to this appointment?

Sir Girja Shankar Bajpai: There was, as I have already stated, no need to consult the Public Service Commission, because the appointment is a temporary appointment.

APPOINTMENT OF DR. C. L. FABRI AS ASSISTANT SUPERINTENDENT IN ARCHÆOLOGY.

419. *Mr. C. N. Muthuranga Mudaliar: Will Government state:

(a) whether it is a fact that Dr. C. L. Fabri has been appointed for the purpose of distributing the finds at Mohenjo-Daro and Harappa to the provincial museums (*vide the Hindu*, dated 7th November, 1935);

(b) whether the work could not be done by the office of the Superintendent of Archæology, Western Circle; and

(c) what the salary on which he has been appointed is and whether it is proposed to give him any overseas and other allowances?

The Honourable Sir Muhammad Zafrullah Khan: What kind of preference?

Pandit Lakshmi Kanta Maitra: That the stores should be purchased from the Indian firms. That would give some help to the Indian glass industry.

The Honourable Sir Muhammad Zafrullah Khan: I have given a reply to that.

Pandit Lakshmi Kanta Maitra: Special preference, I mean.

• **The Honourable Sir Muhammad Zafrullah Khan:** I have already given a reply to that.

COMMUTATION OF PENSIONS.

407. ***Mr. Suryya Kumar Som:** (a) Will Government be pleased to state the amounts which were granted as commutation of pensions to Government Officers since 1930 up to December 1935 by the India Government?

(b) On what principle this commutation is granted? Is it based on the principle of profit and loss or for helping the officers in their distress?

The Honourable Sir James Grigg: (a) The figures from 1st April, 1930, up to the 31st March, 1935, were approximately:

	Ra.
1930-1931	57 lakhs.
1931-1932	56 "
1932-1933	108 "
1933-1934	99 "
1934-1935	86 "

The figures from the 1st April, 1935, up to the end of December, 1935, are not yet available.

(b) The privilege of commuting a portion of their pension has been given so as to help officers to arrange their circumstances during retirement in a way most suitable to themselves.

COMMITTEE FOR REVISION OF THE SCALES OF PAY OF GOVERNMENT SERVANTS.

408. ***Mr. Suryya Kumar Som:** Do Government propose to appoint a Committee to investigate into the scales of pay in vogue at present and to recommend drastic reduction of the present scales consistent with the efficiency of the services? If not, why not?

The Honourable Sir Henry Craik: As a result of the recommendations of the General Purposes Sub-Committee of the Retrenchment Advisory Committee the scales of pay of future entrants into most of the services under the control of the Governor General in Council have, after very careful consideration, been revised during the last few years and in the

majority of cases very appreciable reductions have been made. Revised leave rules considerably less liberal than the old leave rules have also been issued for new entrants. Both the revised rates of pay and the revised leave rules have been drawn up with a view to placing new entrants to Government service on as economic a basis as possible, and all new entrants since the 15th July, 1931, to services under the Governor General in Council are now governed by these new rules. In view of the action as mentioned above, which has only just recently been taken by Government, it is not considered either necessary or desirable that another committee should be appointed as suggested by the Honourable Member.

DISCONTENT DUE TO THE RESTORATION OF FIVE PER CENT. CUT.

409. ***Mr. Suryya Kumar Som:** Are Government aware that great discontent has been created in the country by the restoration of five per cent. cut of the most highly paid officers?

The Honourable Sir James Grigg: I would invite the attention of the Honourable Member to paragraph 14 of my speech introducing the Budget for 1935-36.

BRIDGE ON THE BRAHMAPUTRA NEAR MYMENSINGH.

410. ***Mr. Suryya Kumar Som:** (a) In which year the bridge on the Brahmaputra was constructed at Mymensingh?

(b) On what basis the excess fare for the bridge was and is being realised?

(c) Has not the cost of the bridge been realised by this time? What was the cost of the bridge and what amount has been realised in the shape of excess fare for the bridge up till now? Is it a fact that the cost of the bridge has been over-realised? If so, why excess fare for the bridge is now charged?

(d) Do Government propose to see that the realisation of the excess fare is stopped?

(e) With reference to the Honourable Member in charge of Railways reply to a question during the last Delhi Session to the effect that there was no record to show if the cost of the bridge had been realised by excess fare, do Government propose to calculate the excess fares realised up to this time?

(f) Was not the bridge constructed with smaller spans and lesser height for want of materials for bigger spans on account of the European War?

(g) Was there not an understanding that the spans of the bridge would be enlarged and the height of the bridge would be increased? Are Government prepared to take steps to widen the spans and increase the height of the bridge?

(h) Are Government aware that the bed of the river Brahmaputra is being silted up and its eastern bank is being over-flooded on account of the spans of the bridge at Mymensingh being smaller and that big boats with masts cannot cross it on account of short height of the bridge, and are Government prepared to take special care beforehand that the spans of the bridge to be constructed shortly over the river Meghna at Khairab Bazar be sufficiently large not to obstruct the free flow of water and the height be sufficiently high to allow even big boats and steamers to pass with masts on?

The Honourable Sir Muhammad Zafrullah Khan: (a) 1917.

(b), (c), (f) and (g). The Honourable Member is referred to information laid on the table on the 3rd April, 1935, in reply to unstarred question No. 60 asked on the 22nd February, 1935.

(d) The answer is in the negative.

(e) In view of the position as explained in reply to parts (h) and (i) of question No. 60, already referred to, Government do not consider that the time and trouble involved in collecting the information is commensurate with the results to be obtained.

(h) This is a matter which concerns the Local Government who have accepted the railway scheme for the Meghna Bridge.

NON-ISSUE OF RETURN TICKETS ON THE MYMENSINGH BHAIRAB BAZAR SECTION OF THE ASSAM BENGAL RAILWAY.

411. ***Mr. Suryya Kumar Som:** Are Government aware that return tickets are not issued on the Mymensingh Bhairab Bazar Section of the Assam-Bengal Railway? If so, are Government prepared to introduce ordinary return tickets on the M. B. Railways?

The Honourable Sir Muhammad Zafrullah Khan: Government understand that first, second and intermediate class through return tickets are issued from all stations on the Assam Bengal Railway to Calcutta and Barrackpore at one and a half fares. The question of extending the issue of concession return tickets is one entirely for the Assam Bengal Railway Administration to consider. A copy of the Honourable Member's question and of my reply will be forwarded to the Agent of the railway for consideration.

PROVISION OF AN INTERMEDIATE CLASS WAITING ROOM AT MYMENSINGH.

412. ***Mr. Suryya Kumar Som:** Are Government aware that the intermediate class passengers feel much inconvenience for want of a waiting room for them at Mymensingh Station on the Eastern Bengal Railway? Are Government prepared to make arrangements for a separate waiting room for the intermediate class passengers at Mymensingh?

The Honourable Sir Muhammad Zafrullah Khan: I am sending a copy of the question to the Agent, Eastern Bengal Railway, for consideration. but I would point out to the Honourable Member that the Local Advisory Committee is the natural channel for bringing such matters to the notice of the administration concerned.

APPOINTMENT OF MORE BOOKING CLERKS AT NARAYANGUNGE RAILWAY STATION.

413. ***Mr. Suryya Kumar Som:** Are Government aware that Narayanguge is a very important station on the Eastern Bengal Railway and that passengers feel much inconvenience in obtaining tickets at that station on account of there being only one booking clerk to serve tickets to all classes of passengers? If so, are Government prepared to appoint more hands to serve tickets at that station?

The Honourable Sir Muhammad Zafrullah Khan: The booking office at Narayanguge is opened one hour before the advertised time of departure of trains and, as the maximum number of tickets sold for any one train has been eighty, the work is well within the capacity of one booking clerk.

ABSENCE OF A SEPARATE WINDOW TO SERVE TICKETS TO INTERMEDIATE CLASS PASSENGERS AT MYMENSINGH.

414. ***Mr. Suryya Kumar Som:** Are Government aware that there is no separate window to serve tickets to the intermediate class passengers at Mymensingh Station on the Eastern Bengal Railway and that the intermediate class passengers who are generally middle class people experience great difficulty to obtain tickets from the third class window where there is generally great rush of passengers?

The Honourable Sir Muhammad Zafrullah Khan: Intermediate class tickets are issued from the first and second class booking window and a notice to this effect is exhibited on that window. There should be no difficulty in intermediate class passengers obtaining tickets as the total of first, second and intermediate class tickets sold for any one train has not exceeded twelve.

ISSUE OF TICKETS HALF AN HOUR BEFORE THE STARTING OF TRAINS AT CERTAIN STATIONS ON THE EASTERN BENGAL RAILWAY.

415. ***Mr. Suryya Kumar Som:** Are Government aware that even at important stations such as Narayanguge, Dacca and Mymensingh, Railway tickets are given only half an hour before the starting of trains and that it causes great inconvenience to the passengers? If so, are Government prepared to allow tickets being issued throughout the day or at least two hours before the intended trains start?

The Honourable Sir Muhammad Zafrullah Khan: The booking offices at these stations are opened one hour before the advertised time of departure of trains. Any extension of this time would necessitate the appointment of additional staff. This cannot be justified, as experience shows that full advantage is not being taken of the one hour at present provided for booking.

ENHANCEMENT OF THE PERIOD OF AVAILABILITY OF RETURN TICKETS ON THE EASTERN BENGAL RAILWAY.

416. ***Mr. Suryya Kumar Som:** Are Government aware that at present ordinary return tickets are issued for four days only for distances 61—100 miles on the Eastern Bengal Railway? If so, are Government prepared to re-introduce the former system of issuing tickets for seven days for the distances 61—100 miles?

The Honourable Sir Muhammad Zafrullah Khan: First and second class ordinary return tickets on the Eastern Bengal Railway for distances from 26 to 100 miles are available for four days, and intermediate and third class ordinary return tickets for distances up to 65 miles are available for two days and for distances from 66 to 100 miles are available for four days. The Agent, Eastern Bengal Railway, states that the limit of two days for

Sir Girja Shankar Bajpai: (a) Dr. Fabri has been appointed to assist the Director General of Archaeology in India in the distribution of Mohenjo Daro finds to the various museums in India.

(b) No.

(c) Dr. Fabri has been appointed on a salary of Rs. 300 per mensem without overseas or other allowances.

Mr. C. N. Muthuranga Mudaliar: Was a temporary appointment needed? Could not any office clerk do it?

Sir Girja Shankar Bajpai: I have already answered that question in the negative.

Mr. Lalchand Navalrai: What work has he actually been doing there?

Sir Girja Shankar Bajpai: He is collecting and arranging the finds for the purpose of distribution to the museums.

Sir Cowasji Jehangir: Has that distribution taken place now?

Sir Girja Shankar Bajpai: No.

Sir Cowasji Jehangir: How long will it take to distribute these finds?

Sir Girja Shankar Bajpai: It is expected that the arrangements for the purpose of distribution will be completed in another two months, and then the question of distribution will be taken up.

Mr. Lalchand Navalrai: What is the idea of this distribution? Are these finds to be taken away from Mohenjo Daro.

Sir Girja Shankar Bajpai: I have not said that.

Mr. Lalchand Navalrai: Then, what is the idea of distribution?

Sir Girja Shankar Bajpai: My Honourable friend seems to be very greedy. He wants to have all the finds kept in Mohenjo Daro. The idea is that those which ought to be kept in Mohenjo Daro will be kept there and the others will be given to other museums where they might be exhibited to good purpose.

Mr. Lalchand Navalrai: It is not a question of being greedy. The idea is that all people should come and see them. If some portions are taken away, do not Government think that nobody will be able to understand the actual state of things?

Sir Girja Shankar Bajpai: Government have not in any way modified their policy with regard to distribution of these finds. It is only duplicates and triplicates that go to other museums.

Sir Cowasji Jehangir: Have any instructions been given to Dr. Fabri with regard to distribution?

Sir Girja Shankar Bajpai: Dr. Fabri's function is to sort out the finds. The actual distribution will be done by the Director General of Archaeology in consonance with the instructions that Government have already issued. A copy of these is available in the Library of the House.

Mr. Lalchand Navalrai: Will any non-official be associated with that work?

Sir Girja Shankar Bajpai: There is no need to associate any non-official.

DISTRIBUTION OF ARCHAEOLOGICAL FINDS AT MOHENJO DARO AND HARAPPA TO THE MADRAS MUSEUM.

420. ***Mr. C. N. Muthuranga Mudaliar:** (a) Are Government aware of the fact that in or about 1933 the Government made a statement on the floor of this House that each of the Museums in India including the Madras Museum will have a share in the finds at Mohenjo Daro and Harappa?

(b) Are Government aware of the fact that experts like Sir J. Marshall have declared that the Mohenjo Daro civilization is mainly Dravidian? Is it a fact that the Madras Museum has a good pre-historic collection?

(c) Do the Government of India propose to direct the Director General of Archaeology to see that the collection is distributed to the Madras Museum also?

Sir Girja Shankar Bajpai: (a) It is not possible, without more precise information as to its date, to trace the statement which the Honourable Member says was made on behalf of Government.

(b) The answer to the first part is in the negative, and that to the latter in the affirmative.

(c) I would invite the Honourable Member's attention to the rules that the Government of India have framed for the distribution of archaeological relics. A copy of these rules was laid on the table of the House on the 4th of this month, as promised in connection with the Honourable Member's question No. 260 on the 11th September, 1935.

Prof. N. G. Ranga: Will the Madras Museum have its share of these finds?

Sir Girja Shankar Bajpai: I would ask the Honourable Member to study the rules on the subject. The Madras Museum *qua* the Madras Museum has no claim to these finds.

PRESERVATION OF CERTAIN MONUMENTS.

421. ***Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that special chemical treatment is contemplated to be given to the rock-cut temples and sculptures therein in Western India for arresting the decay that sets in as the result of time and climatic conditions? If so, what progress has been made in this direction?

(b) Are Government prepared to extend to the other parts of India this process of preservation including the Madras Presidency unto such places as Mahabalipuram, Conjeevaram, Tanjore, Yerragudi (Asokan Ins.) and other places?

Sir Girja Shankar Bajpai: (a) Yes, in the Elephanta Caves where the Archaeological Chemist has suggested such treatment on an experimental basis.

(b) If the experiments at Elephanta succeed, then extension to monuments that lend themselves to such treatment will be sympathetically considered.

HANDING OVER TO THE PUBLIC OF THE ROMAN CATHOLIC CHURCH ON THE SEASHORE AT PORTO-NOVO IN THE MADRAS PRESIDENCY.

422. *Mr. C. N. Muthuranga Mudaliar: (a) Are Government aware of the fact that the Roman Catholic Church on the seashore at Porto-Novo of the Madras Presidency now vested in the Government of India under the Ancient Monuments Preservation Act is now going to ruins?

(b) Are Government prepared to consider the desirability of handing over the Monument to the public of the place—Panchayat Board for such useful purpose (conversion into a park) as they may think fit?

Sir Girja Shankar Bajpai: (a) The Roman Catholic Church at Porto-Novo is a privately owned monument, but is protected under section 5 of the Ancient Monuments Preservation Act, 1904, by an agreement with the owners. Its condition has remained practically unaltered since the date of its protection.

(b) As the monument is privately owned, Government cannot hand it over to the Panchayat Board or to anyone else.

CONTRIBUTIONS TO THE EPIGRAPHIA INDICA.

423. *Mr. C. N. Muthuranga Mudaliar: (a) Is it a fact that the contributions to the Epigraphia Indica are to a large extent in the Dravidian languages?

(b) Is it a fact that one who is not a scholar in these languages cannot satisfactorily and efficiently discharge the responsibility of editing them?

(c) Is it a fact that the Government Epigraphist for India is the *ex-officio* editor of the Epigraphia Indica?

(d) Is the present incumbent a good scholar in the Dravidian languages? If he is not, how can he discharge the function of editorship with correctness and authority?

(e) Is it a fact that the same officer is the Editor of the volumes of South Indian Inscriptions which are almost all of them in the languages of South India?

(f) Is it not a fact that most of the previous officers who happened to be the Epigraphists to the Government of India like Hultzsch, Venkayya, Krishna Sastri and others were good scholars in the South Indian languages?

(g) Are Government prepared to insist on this qualification of the Epigraphist to the Government of India?

Sir Girja Shankar Bajpai: (a) No; the contributions are in English.

(b) Though a knowledge of Dravidian languages is desirable, it is not indispensable.

(c) Yes.

(d) No. He was appointed on the advice of the Public Service Commission who considered him to be the best candidate available for the post of Government Epigraphist.

(e) No; the editor of the volumes is the Superintendent for Epigraphy who is a specialist in South Indian Epigraphy.

(f) Some of them have been.

(g) The desirability of acquiring a working knowledge of Dravidian languages has already been impressed on the Government Epigraphist.

PRINTING OF THE PUBLICATIONS OF THE EPIGRAPHY BRANCH OF THE ARCHÆOLOGICAL SURVEY.

424. *Mr. C. N. Muthuranga Mudaliar: (a) Is it a fact that the publications of the epigraphy branch of the Archaeological Survey are printed not any where near Ootacamund where the office of the Government Epigraphist is situated?

(b) Is it a fact that the tours of the Government Epigraphist are mostly in Northern India? If so, does not this entail heavy expenditure on the part of Government by way of travelling allowances? Have Government considered the question of reducing this kind of expenditure by transferring the office to a more central place like Madras or Delhi? Are Government prepared to consider the desirability of shifting the office to Madras or Delhi?

Sir Girja Shankar Bajpai: (a) The publications of the Epigraphical Branch of the Archaeological Survey of India are printed partly in Madras and partly in Calcutta.

(b) The tours of the Government Epigraphist are not confined to any special part of the country. The dependent parts of the question do not, therefore, arise.

ARCHÆOLOGICAL CIRCLES AND GAZETTED OFFICERS IN THOSE CIRCLES.

425. *Mr. C. N. Muthuranga Mudaliar: (a) Will Government state the number of the various Archaeological Circles, with their names and the number of gazetted officers in each of the circles?

(b) Is not the southern circle as big as any other circle and as important as any other? Why is there only one officer in this circle alone?

Sir Girja Shankar Bajpai: (a) I lay on the table a statement giving the desired information.

(b) Yes, approximately. The arrangement may not be ideal but addition of staff will necessitate expenditure which the Department cannot afford at present.

Statement showing the number and names of various Archaeological Circles in India, together with the number of gazetted officers employed in each of them.

Serial No.	Name of Circle.	Number of gazetted officers.	Remarks.
1	Central Circle, Patna	2*	* The post of Assistant Superintendent is vacant at present.
2	Burma Circle, Mandalay	1	
3	Western Circle, Poona	2	
4	Southern Circle, Kotagiri	1	
5	Northern Circle, Agra	2	
6	Eastern Circle, Calcutta	2†	† The Superintendent also holds charge of Archaeological Section, Indian Museum.
7	Frontier Circle, Lahore	1	

Mr. M. S. Aney: Will Government consider the question of altering the number of Archaeological Circles and making a separate circle of the Central Provinces?

Sir Girja Shankar Bajpai: If Government were to consider the making of a separate circle for the Central Provinces, they would be faced with the same difficulty, namely, additional expenditure.

ERECTION OF A SPECIAL PLATFORM FOR HIS EXCELLENCY THE VICEROY AT NEW DELHI.

426. ***Mr. C. N. Muthuranga Mudaliar:** Is it a fact that a special platform at a cost of over Rs. 50,000 is being erected for the reception of the Viceroy at New Delhi? Is it also a fact that Government are turning down several necessary proposals for want of funds?

The Honourable Sir Muhammad Zafrullah Khan: No. A platform was already in existence, but a shelter has been erected over the existing ceremonial platform to protect users of this platform from the weather. Including a suitable pavilion and lighting arrangements, the cost is less than Rs. 50,000.

The urgency of all works is being carefully scrutinised, but necessary works are not being turned down.

Mr. T. S. Avinashilingam Chettiar: May I know what is the cost, if it is less than Rs. 50,000.

The Honourable Sir Muhammad Zafrullah Khan: Rs. 48,700.

Mr. S. Satyamurti: How many people use this platform in a year?

The Honourable Sir Muhammad Zafrullah Khan: I could not say.

Mr. S. Satyamurti: More than one?

The Honourable Sir Muhammad Zafrullah Khan: It is used on several occasions.

Mr. S. Satyamurti: Is it for the public?

The Honourable Sir Muhammad Zafrullah Khan: It is for those people who arrive on the platform on the occasion of the departure or arrival of high dignitaries.

Mr. S. Satyamurti: Are we entitled to arrive there?

The Honourable Sir Muhammad Zafrullah Khan: The platform is not used for ordinary trains.

Mr. S. Satyamurti: Then, who is entitled to arrive on this platform?

The Honourable Sir Muhammad Zafrullah Khan: The Viceroy, the Commander-in-Chief and possibly other high dignitaries.

Mr. S. Satyamurti: May I ask whether an expenditure of 48,700 is justified in the present state of railway finances, when urgent reforms for the comforts and conveniences of thousands of passengers are held up for want of funds?

The Honourable Sir Muhammad Zafrullah Khan: Having regard to the fact that this platform was being used for this purpose and did not have these amenities with regard to shelter and light, Government decided to provide the necessary protection in these respects.

Mr. N. M. Joshi: May I know if there is a permanent staff at the platform?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir.

Mr. T. S. Avinashilingam Chettiar: Is it only the Viceroy and the Commander-in-Chief who are entitled to alight on this platform?

The Honourable Sir Muhammad Zafrullah Khan: Possibly other high dignitaries might also alight on or depart from this platform. If you want exact information, I am afraid I shall have to ask you to put down a question.

Mr. S. Satyamurti: Has the Honourable Member ever used this platform?

The Honourable Sir Muhammad Zafrullah Khan: I have never used it.

Sardar Mangal Singh: Are the Members of this House entitled to depart from this platform.

The Honourable Sir Muhammad Zafrullah Khan: I think there were a special occasion when a special train would have to depart from or arrive at this platform and the occasion justified it, I have no doubt they would be so entitled.

Mr. C. N. Muthuranga Mudaliar: When the Viceroy goes on tour in aeroplanes, what is the need for this ceremonial platform?

The Honourable Sir Muhammad Zafrullah Khan: The Viceroy does not always travel in aeroplanes and it is not only the Viceroy who might arrive at or depart from this platform.

Pandit Lakshmi Kanta Maitra: When did this idea originate?

The Honourable Sir Muhammad Zafrullah Khan: Ideas originate in minds, and I have no knowledge of the working of various minds.

Pandit Lakshmi Kanta Maitra: During the last quarter of a century, this idea never originated. How is it that it has now originated for the first time?

The Honourable Sir Muhammad Zafrullah Khan: The thing not having been done before, it is perfectly obvious that it had not been seriously thought of previously.

AMOUNT SET APART BY THE MADRAS GOVERNMENT FOR WATER SUPPLY SCHEMES IN RURAL AREAS.

427. ***Mr. C. N. Muthuranga Mudaliar:** Will Government be pleased to state:

- whether it is a fact that a sum of Rs. 5½ lacs from out of the grant made by the Government of India for village uplift has been set apart by the Madras Government for Water Supply Schemes in rural areas;
- whether the Madras Government propose to name the schemes referred to in part (a) as "Jubilee Wells" or "Jubilee Schemes" and whether they do so under instructions from the Government of India;
- whether any portion of funds collected in connection with the King's Silver Jubilee is to be utilised for carrying out the schemes referred to in part (a);
- if the answer to part (c) be in the negative, why Government should name the scheme as "Jubilee Schemes"; and
- whether Government propose to continue the grant for rural uplift for this year also?

The Honourable Sir James Grigg: (a) Yes.

(b) The answer to the first part is in the affirmative and to the second part in the negative.

(c) I assume not.

(d) This involves a matter of opinion.

(e) I cannot anticipate the budget speech.

SALE OF THE OLD CANTONMENT BUILDINGS IN POONAMALLEE.

428. ***Mr. C. N. Muthuranga Mudaliar:** Will Government be pleased to state:

- whether they have sold away or propose to sell away a portion of the old cantonment buildings in Poonamallee;
- If the answer to part (a) be in the affirmative, what specific portions of the same were sold and the price fixed for the same;
- whether Government have fixed the price by private negotiations, and the party to whom the Government have sold or propose to sell;
- why they have not chosen to sell the buildings by public auction;
- whether the buildings are in charge of the Military Department or were they transferred to the Government of India before they were sold;
- in whose charge is the portion in which the Blind School is located;
- whether it was also sold to the Blind School, and, if so, for what price; or it was lent to the Blind School; and
- whether they propose to hand over the other portion that is sought to be sold to Chingleput District Board for locating the Poonamallee Board High School?

Mr. G. B. F. Tottenham: (a) and (h). With the exception of one shed all the buildings have been sold.

(b) and (c). Single men's barracks, married men's quarters and some other buildings were sold by private treaty to the Madras Association for the Blind for Rs. 1,50,000 and the Station Hospital, the barracks for married men and some other buildings by private treaty to the Bishop of Mylapore for Rs. 40,000.

(d) The method adopted was considered to be in the best interests of the State.

(e) The buildings were in charge of the Army Department of the Government of India before they were sold.

(f) and (g). The Madras Association for the Blind whom it was sold for Rs. 1½ lakhs.

Mr. C. N. Muthuranga Mudaliar: May I know what is the valuation of 12 Noon. the buildings sold?

Mr. G. B. F. Tottenham: I must ask for notice.

DELAY IN THE DELIVERY OF LETTERS FROM POONAMALLEE AND SURROUNDING VILLAGES.

429. ***Mr. C. N. Muthuranga Mudaliar:** Will Government be pleased to state:

- whether they are aware that there is undue delay in the delivery of letters from the Poonamallee and surrounding villages;

- (b) whether Poonamallee is only 18 miles distance from Madras;
- (c) whether postal mails are carried by the railway mail up to Arkonam and then brought back by passenger train only the next day to Poonamallee;
- (d) whether letters are delivered in Poonamallee and surrounding villages as also from Sriperumbudur Post Office late in the day; and
- (e) whether Government propose to consider the advisability of arranging to send postal mails from Madras up to Sriperumbudur by motor service so that letters may be delivered early in the morning?

The Honourable Sir Frank Noyce: (a) to (e). Government have no information. The matter is within the competence of the Postmaster-General, Madras Circle, to whom a copy of the question has been sent for suitable action.

SEATS PROPOSED TO BE GIVEN TO THE ZAMINDARS IN THE MADRAS PRESIDENCY IN THE PROVINCIAL ASSEMBLY.

430. ***Mr. C. N. Muthuranga Mudaliar:** With reference to the reply to part (c) of starred question No. 1608, asked on the 6th April, 1935 regarding the seats proposed to be given to the Zamindars in the Madras Presidency in the Provincial Assembly, will Government please state:

- (a) whether they ordered the preparing of a tentative list of voters for the Zamindars' Constituencies for the Provincial Legislatures in a lower franchise basis;
- (b) whether the Madras Government have since expressed themselves against lowering the present franchise in the Zamindars' Constituencies; and
- (c) whether Government propose to take any subsequent action in the matter in view of their reply referred to in part (a) above?

The Honourable Sir Nripendra Sircar: (a) No.

(b) Yes, they have done so in their proposals to the Indian Delimitation Committee.

(c) Government are not in a position to add anything to what they have stated in their reply to part (c) of the Honourable Member's previous question No. 1608, until they have had occasion to consider any discussion of the problem which the Committee may have undertaken.

Mr. President (The Honourable Sir Abdur Rahim): With regard to the question asked by Mr. Satyamurti as to whether the Chair can ask the Members of Government to disclose what advice they give to the Governor General in certain matters, the Chair must make it clear to the House that it is for the Chair only to interpret the Rules and Standing Orders. If any Honourable Member is dissatisfied with the position, it is open to the House to have the Rules and Standing Orders changed in that connection.

SHORT NOTICE QUESTIONS AND ANSWERS.

IMPORT OF SIAMESE RICE INTO THE PORT OF BOMBAY.

Seth Govind Das: Will Government be pleased to state:

- (a) whether they are aware that about twenty thousand (20,000) tons of Siamese rice have come to the port of Bombay recently;
- (b) whether they are aware that such imports of rice into India bring down the price of the commodity to a low level;
- (c) whether they have taken any steps to prevent or cause the prevention of such shipments entering Indian ports by the levy of heavy duty;
- (d) if not, their reasons and difficulties for not doing so;
- (e) whether they are aware that more shipments of Siamese rice are expected to come shortly; and
- (f) if so, whether they intend to take steps for the prevention of such entries?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (e). The total imports of Siam rice, consisting mainly of whole rice, into Bombay since November last has amounted to about 16,000 tons. A further consignment of 3,000 tons is expected shortly.

(b) No. The latest available quotation for Burma rice, which is very largely consumed in Bombay, is exactly what it was a year ago.

(c) In so far as these imports consist of broken rice, they are subject to an import duty of 12 annas per maund.

(d) and (f). Do not arise in view of the reply to part (b) of the question.

Seth Govind Das: Sir, a recent statement which was placed by the Government shows that about rupees 50 lakhs worth of rice were imported into this country from April to December, 1935. Do Government not think that this position of dumping foreign rice do call for the imposition of some duty, so that the price of rice may not be still further brought down?

The Honourable Sir Muhammad Zafrullah Khan: On that occasion, when I laid the figures on the table, I replied in detail to the questions that were directed towards eliciting Government's policy in this matter.

Mr. Sami Vencatachalam Chetty: Have Government got any information as to the price at which this Siamese rice has been imported?

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

Prof. N. G. Ranga: Is it not a fact that Siamese rice is being imported at a very much lower price than the Indian price itself?

The Honourable Sir Muhammad Zafrullah Khan: That I could not say; but I may inform the House that the price of Burma rice, which is consumed very largely in Bombay, is the same this year as it was last year, and I think the variations in the prices of different qualities of Burma rice this year are the same as last year, viz., between Rs. 6-7-0 and Rs. 7-8-0.

Prof. N. G. Ranga: Is it not a fact that these imports do have a depressing effect upon the prices of Indian rice?

The Honourable Sir Muhammad Zafrullah Khan: Yes, but as the Honourable Member must have observed in spite of a press report that there was one single consignment of 20,000 tons which had arrived, though it would be difficult to imagine the size of the ship that could bring in such a consignment, the actual total imports of rice since last November have been less than 16,000 tons.

Seth Haji Abdoola Haroon: Is it a fact that on account of the shortage of the crop in India, say in Madras and some other places, this broken rice is imported into India?

The Honourable Sir Muhammad Zafrullah Khan: That I could not say, but so far as broken rice is concerned, the Honourable Member is aware that there is a duty of twelve annas per maund imposed.

Dr. F. X. DeSouza: Do those figures include imports from Indo-China also?

The Honourable Sir Muhammad Zafrullah Khan: The figure of 16,000 tons that I have given is for Siamese rice.

Dr. F. X. DeSouza: Will the Honourable Member state the figures for Indo-China also?

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member will give notice, I will get the information.

IMPORT OF JAPANESE GREY PIECE-GOODS AND ITS EFFECT ON THE HANDLOOM INDUSTRY OF MADRAS.

Mr. M. Ananthasayanam Ayyangar: (a) Are Government aware that the import of Japanese grey (unbleached) piece-goods is killing the handloom industry in the Madras Presidency and that two lakhs of handloom weavers and twenty thousand handlooms have been thrown out of work within the past three months?

(b) Are Government aware that the continued importation is adding to the injury caused?

(c) What steps, if any, do Government propose to take in the matter to protect the handloom industry?

(d) Are Government prepared to take early steps to further reduce the quota and restrict the import of Japanese greys?

(e) Are Government aware that Japanese grey goods are purposely, with a view to dumping, sold cheaper now than they were sold in 1933-34, whereas the prices of bleached and coloured goods have gone up?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (c). The Honourable Member is referred to the reply given by me yesterday to his starred question No. 308.

(d) No, Sir. Even if the action suggested by the Honourable Member were in fact necessary, the terms of the Convention and Protocol governing the commercial relations of India and Japan would preclude such action being taken.

(e) No.

Sir, I promised to supplement on one point the information that I gave in reply to a supplementary question on this subject yesterday, and that was as to what steps it was expected that the Local Government of Madras would take or was taking with regard to this matter. The information that I am able to supply is as follows:

To enable the handloom weavers in Madras to compete with mill-made cloth, action along the following lines appears to be under contemplation by the Local Government:

(1) Supply of yarn on the most advantageous terms possible. At present the handloom weaver is handicapped by having to borrow money often at exorbitant rates of interest for the purchase of yarn and the price he has to pay is considerably higher than that at which yarn is available to the mills. The proposal is that yarn should be obtained from the Madras Handloom Weavers Co-operative Society which supplies yarn at favourable rates.

(2) Reduction in the costs of production of handloom woven cloth. Apart from the advice and assistance from the technical staff of the Department of Industries regarding improvements in the manipulative processes in weaving and the adoption of modern methods of dyeing, there is the proposal to use yarns of slightly lower quality for weft instead of the present practice under which the same yarns are used for warp and weft. There is also the proposal to provide ovens of improved design in order to effect economies in fuel costs. At present wood fuel is used in open hearths for dyeing purposes.

(8) Better marketing of handloom woven cloth.

In addition to the appointment of a marketing officer who will generally advise on and supervise the work relating to marketing, the appointment of a cloth designer is contemplated. Other improvements which are contemplated are:

(a) Standardization of handloom products with a view to stabilizing such products to be marketed in bulk.

(b) The supply of power-driven finishing plant to enable handloom woven goods to be finished properly.

Steps have also been taken to enlist the co-operation of the merchants with a view to the development of the market for handloom woven cloth, while the question of weaving on the handlooms the particular kinds and designs of mill-made cloth which compete with the handloom products is also being taken up.

With regard to part (e) of the short notice question put today, the further details are these:

The prices with regard to plain greys and bordered greys and white (bleached) and coloured stuff (printed or dyed) during the December month of 1933, 1934 and 1935 have varied as follows:

Plain greys: -2/-, -2/-, -2/-.

(There has been no change with regard to these.)

Bordered greys: -1/10, -1/10, and -1/10.

White (bleached): -2/1, -2/8, and -2/4.

Coloured (printed or dyed): -2/2, -2/8 and -2/.

Prof. N. G. Ranga: Will Government consider the advisability of taking steps to help the handloom weavers against the competition of mill-made cloth? As Government themselves have admitted there is depression in handloom industry, not only in the South, but also in the Bombay Presidency?

The Honourable Sir Muhammad Zafrullah Khan: I have read out a very detailed reply as to the steps that are being taken to enable the handloom weavers to compete successfully with mill-made cloth.

Prof. N. G. Ranga: In view of the fact that these steps have been under the contemplation of the Government of India for more than one year till now, is it not the view of the Government of India that these handloom weavers merit some protection immediately from the mill-made cloths also?

The Honourable Sir Muhammad Zafrullah Khan: In what manner and in what respect? Does the Honourable Member suggest an excise duty on mill-made cloth?

Prof. N. G. Ranga: It is not my business to suggest in what manner it should be protected. I can only suggest that the handloom weavers should be given some protection against mill-made cloth. It is for the Government of India to devise ways and means of giving such protection.

The Honourable Sir Muhammad Zafrullah Khan: My reply is that with the adoption of these methods and improvements with regard to which I have just read out a statement, it is expected that the handloom weavers will be in a position to compete more successfully against mill-made cloth.

Mr. Sami Vencatachalam Chetty: Are Government aware that some of these measures have already been adopted at least in Madras?

The Honourable Sir Muhammad Zafrullah Khan: I have read out a detailed statement.

Pandit Nilakantha Das: May I suggest a rebate or drawback on duty on yarn or some measure at least to minimise the profit of the middle-man, by which the handloom weavers will get the yarn cheaper?

The Honourable Sir Muhammad Zafrullah Khan: May I suggest that Honourable Members, who are interested in that aspect of the question, might confer with those Honourable Members, who are interested in the other aspect of the question, that is to say, with regard to the mill-made cloth and the suggestions which they both might agree upon might perhaps be considered by Government.

Dr. T. S. S. Rajan: How do these measures affect the dumping of Japanese goods?

The Honourable Sir Muhammad Zafrullah Khan: Government have no reason to believe that there is any Japanese dumping. I have read out a detailed statement which shows that prices have not gone down.

EARTHQUAKE IN BIHAR.

Mr. T. S. Avinashilingam Chettiar: Will Government state:

- whether the news in today's *Hindustan Times* about another severe earthquake in Bihar is true;
- what is the havoc caused there; and
- what is the latest news about it?

The Honourable Sir Henry Craik: (a), (b) and (c). As reported in the Press, there were earthquake shocks in various parts of Bihar on Tuesday morning. We have ascertained by telephone that no reports of damage have been received by the Government of Bihar and Orissa who have made special enquiries from most of the places affected.

I am afraid I must qualify that by what appeared in this morning's newspaper which says that two persons died from injuries by a wall collapsing at Bhagalpore. I have no other reports of damage.

Mr. T. S. Avinashilingam Chettiar: What are the reasons for so frequent earthquakes?

(No answer.)

MOTION FOR ADJOURNMENT.

PROHIBITION OF THE APPOINTMENT OF INDIANS IN THE CYPHER BUREAU OF THE FOREIGN AND POLITICAL DEPARTMENT.

Mr. President (The Honourable Sir Abdur Rahim): I have received a notice of a motion for the adjournment of the House from Mr. T. S. Avinashilingam Chettiar. He proposes to move for the adjournment of the House to discuss a definite matter of urgent importance, namely, the statement of the Foreign and Political Department Secretary that His Majesty's Government has prohibited the appointment of Indians in the Cypher Bureau.

Is there any objection?

Sir Aubrey Metcalfe (Foreign Secretary): I wish to object. I would invite your attention to Rule 12 of the Indian Legislative Rules which lays down in sub-rule (ii) that the motion must be restricted to a specific matter of recent occurrence. The Honourable Member in his motion has certainly misquoted what I said. But I will come to that later on. The main point that I wish first to bring to your notice is that the position as regards the employment of Indians in the Cypher Bureau has been exactly the same for the last 20 years since the Bureau came into existence, and there has been no development since which would justify this motion.

Mr. President (The Honourable Sir Abdur Rahim): What has been complained of here is the statement that His Majesty's Government have prohibited the appointment of Indians. This statement might not have been before the House before.

Mr. S. Satyamurti: That is the point,—Indians are not included. We want to censure

Mr. President (The Honourable Sir Abdur Rahim): This information was given to the House some time ago that the code belongs to His Majesty's Government and they have laid down what classes of persons are to use that code. That information has been in possession of the House.

Mr. S. Satyamurti: But we did not know till yesterday as to the responsibility for the non-inclusion of Indians. The responsibility is now admitted to be that of His Majesty's Government and the point is

Mr. President (The Honourable Sir Abdur Rahim): The answer was given on the supplementary questions and the Honourable Member has now read out what the actual position is.

Mr. S. Satyamurti: And the position is that His Majesty's Government have made these rules, and have not included Indians among the classes to be employed. We object to the Government of India acquiescing in these orders. The code is now prevailing; it is not a dead code, and the position at this minute is that those codes are being used by the Government of India.

Mr. President (The Honourable Sir Abdur Rahim): This has been known to the House for a long time.

Mr. S. Satyamurti: Not the responsibility of His Majesty's Government who have made these rules; and this Government have acquiesced in them. We want to censure the Government of India for non-action in this matter, and I submit it is perfectly in order according to the rules.

Mr. N. M. Joshi (Nominated Non-Official): Sir, may I say one word on this? I feel, Sir, that whatever may have been said by the Government of India on these points some years ago, the passing of the Government of India Act has changed the situation altogether. The Government of India Act has prohibited any discrimination regarding the appointment of British Europeans in India and this obligation is mutual; that is, there shall be no discrimination made by Great Britain against the appointment of Indians. I, therefore, feel, that the Government of India on the passing of the Government of India Act should have seen that this discrimination against Indians was removed.

Mr. President (The Honourable Sir Abdur Rahim): Is the Act in force now?

Mr. N. M. Joshi: I do not know whether the Act is in force or not. My point is this that the Government of India should have made an effort to see that this discrimination is taken out. And we know today or we learnt yesterday that the Government of India did nothing and, therefore, it is our right to censure that Government.

Sir Aubrey Metcalfe: Sir, on a point of information, I object strongly to the Honourable Member saying that the Government of India have done nothing. We have been working at this for the last five years and

we are now on the point of success, because new Cypher Codes, I hope, will be in use and all these restrictions will be withdrawn before this Assembly sits again.

Sardar Mangal Singh (East Punjab: Sikh): Are there Anglo-Indians included in those classes?

An Honourable Member: That question was answered yesterday.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, the point taken against the motion is that it has been in existence all these years and there is nothing new.

Mr. President (The Honourable Sir Abdur Rahim): It is not urgent. The question has been debated and explored very often in this House.

Mr. T. S. Avinashilingam Chettiar: There may be very many reasons why Indians are not there, but it is only yesterday that we found definitely that it was under the definite instructions of His Majesty's Government that Indians have not been appointed till now.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has explained that statement. He says that the matter is now under active consideration to remove this anomaly. After that what is the ground for adjournment?

Mr. T. S. Avinashilingam Chettiar: That is the plea which he has to put up in case the motion is allowed. But that is not the plea which they have been considering for five years.

Mr. President (The Honourable Sir Abdur Rahim): It was in answer to a supplementary question. He has now explained fully what the position is.

Mr. T. S. Avinashilingam Chettiar: The question is that they have said that Indians shall not be employed

Mr. President (The Honourable Sir Abdur Rahim): I think the question has been sufficiently discussed. An explanation of the position has been given by the Foreign Secretary that this matter has been previously discussed in this Assembly and the answer that has been given previously is exactly what the Foreign Secretary really intended to give in answer to the supplementary question which was put to him the other day. He has now explained the position more fully and he has also pointed out that the matter is engaging the active consideration of Government so that the anomaly may be removed as early as possible. In those circumstances, I hold that the matter is not urgent, and I, therefore, disallow the motion.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that up to 12 Noon on Wednesday, the 12th February, 1936, the time fixed for receiving nominations for the Standing Committee for the Department of Education, Health and Lands, only three nominations have been received. As the number of candidates is equal to the number of vacancies, I declare Mr. K. M. Jedhe, Maulvi Badrul Hasan and Mr. W. B. Hossack to be duly elected.

Sir Aubrey Metcalfe: I will deal with that point. In doing so, I would invite your attention to what I might almost describe as a debate which took place on this subject as a result of a question put by Mr. Muhammad Muazzam Sahib Bahadur, question No. 935, which will be found in the Legislative Assembly Debates, Vol. VII, dated the 15th September, 1933. Perhaps I might read out some of the relevant portions. I will first of all read out what I said myself as contained in the official report of yesterday. It was a supplementary question which was asked at the very last moment, after 12 o'clock, and Mr. Satyamurti said:

"Do His Majesty's Government say that they do not want Indians employed there?"

To which, I replied:

"His Majesty's Government are entitled to make a Rule as to who shall use the Codes which belong to them."

Mr. Satyamurti again asked:

"Have they said that Indians shall not be employed there?"

To which, I replied:

"Obviously; otherwise Indians would be employed."

I wish to compare with that the statement which was made by Major W. K. Fraser-Tytler in 1933. An Honourable Member, Mr. B. R. Puri, then put a supplementary question as follows:

"Am I right in assuming that there is some rule or regulation issued by the London Office, that none but British subjects should be allowed to handle the Codes which relate to their Department?"

To which Major W. K. Fraser-Tytler replied:

"I am afraid it will not be in the public interest to disclose what the actual rules are. They were issued by the London Foreign Office. They are pretty obvious and Honourable Members can draw their own inference as to what they are."

I maintain, Sir, that I said nothing which Major Fraser-Tytler did not say in this House two years ago.

Mr. President (The Honourable Sir Abdur Rahim): What is the exact statement made by the Honourable Member yesterday?

Sir Aubrey Metcalfe: I have read that out to you, Sir, just now. Mr. Satyamurti asked: "Have they said that Indians shall not be employed there?" To which I replied: "Obviously; otherwise Indians would be employed". Exactly the same statement which was made by Major Fraser-Tytler in 1933, almost in the same words.

Mr. President (The Honourable Sir Abdur Rahim): The question "Have they said that Indians shall not be employed there?" and the answer "Obviously; otherwise Indians would be employed", is different from the previous question and answer in 1933. Then, the Honourable Members were asked to draw their own inference, but here there is a categorical statement.

Sir Aubrey Metcalfe: There is no categorical statement made by me. It was not intended to be a categorical statement. The question was put in that form by Mr. Satyamurti as a supplementary question after, I think, 12 o'clock had struck and I had no time to consider my reply. But I am prepared to admit that the reply was not strictly speaking accurate and if the House wishes to have an accurate statement, I am perfectly prepared to give it here and now.

Mr. President (The Honourable Sir Abdur Rahim): That will be better.

Sir Aubrey Metcalfe: The position is this. I have taken the trouble to write this out so that there would be no confusion on a subsequent occasion. As I have said, the situation is and has been for the last 20 years at least that certain Cypher Codes which are not the property of the Government of India have been in use by that Government. There are rules, which are not made by the Government of India, governing the classes of persons by whom those codes may be handled; and it is a fact that Indians are not included among those classes. It is hoped very shortly to discontinue the use of these codes and to substitute codes which are the property of the Government of India. Any restrictions upon the employment of Indians will then cease to apply. This is the situation and that situation has been known to the House at least since 1933.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Sir, you have yourself said in answer to the question of the Foreign Secretary all that need be said at this stage here. The position today is not, what it was in the debate of 1933.

Mr. President (The Honourable Sir Abdur Rahim): But he has read out just now what the actual position is, and that has been the position all along, to my own recollection.

Mr. S. Satyamurti: I take it, Sir, that the statement stands that the rules, which prohibit the admission of Indians into this department, are made by His Majesty's Government whose Cypher Codes the Government of India are now using. No doubt the Foreign Secretary was good enough to say that these rules might be modified and these codes might be given up.

Mr. President (The Honourable Sir Abdur Rahim): Not "might be". I think he said that they are considering the modification of the rules.

Mr. S. Satyamurti: But the point that I want to raise on this motion is the framing of rules by His Majesty's Government, prohibiting the admission of Indians in the use of these codes.

Sir Aubrey Metcalfe: Sir, may I, on a point of information, point out that even now this matter is being misrepresented (I have no doubt quite unintentionally). There are no actual rules prohibiting the appointment of Indians as such. There are rules which specify that these particular Codes shall only be used by certain classes of persons,—and it is a very small class of persons,—and in that class Indians do not happen to be included.

[Sir Muhammad Yakub.]

of the houses searched. After summarising the difficulties and the imperfections of the organisation, this paper says that these are borne out first by the textile strike of 1934 in Bombay, which, as Honourable Members will remember, broke down, and secondly, by the virtually paralysed condition of the party since the ban. That ban is the ban under the Criminal Law Amendment Act. No more convincing proof could be got I think than this document of the effectiveness of our Act. In speaking on Monday I mentioned the difficulty the Communist Party had in getting funds, and I have brought with me today rather an interesting document; actually it is page 363 of a well-known novel called "The Good Companions". It is a very innocent looking paper. Actually that is a receipt for £363 brought out from England by a certain lady and the initials of the recipients are given on the document. I show this to show the secret methods to which the Communists are reduced for bringing out funds and for getting receipts for their funds."

This is only one example which shows how deep-rooted the Communist movement in India is, and how it is assuming very dangerous proportions in this country. We also know that some Indian Communists returned recently from Moscow after graduating themselves in what we may call Communism. It was reported in the papers that they used even forged passports in order to conceal their coming back from Moscow in Russia. Now, these are the secret methods which are being adopted, and still my friend, Mr. B. Das, wants that the only weapon which the Government has got to meet the situation should be taken away from the Government

Mr. A. K. Fazlul Huq: What is a communalist—one who has been knighted?

Sir Muhammad Yakub: The ex-Mayor of Calcutta should confine himself to the precincts of the Calcutta Corporation: the Legislative Assembly is not the place where we should have wrangles of the sort that my Honourable friend had during the short time he occupied the position of the Mayor of Calcutta

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better address himself to the clause under discussion.

Sir Muhammad Yakub: Mr. President, as I have just said, a number of Indians have just returned from Moscow after graduating themselves in, what we may call, the art of Communism. What have they done since their return to India? In my hand here, I have got a poster in Gurmukhi.

Mr. Mohan Lal Saksena: Where did you get it from? From the Publicity Department?

Sir Muhammad Yakub: It was posted on railway stations and on the road side. It was particularly meant for the Sikh sepoys in the Punjab, that was circulated by these young men

Mr. Mohan Lal Saksena: From which station did you get it?

Sir Muhammad Yakub: You gave it to me last night and now you ask me: really I cannot understand you: you people have got no moral courage: you gave this to me, and now you ask where I got it from? I am not going to be interrupted by interruptions like these. With your permission, Mr. President, I would like to read a few lines from the translation of this pamphlet

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must not be interrupted.

Sir Muhammad Yakub: It says:

"A letter addressed to the military sepoys from the *Hindustani Ghadarites*. Note: we appeal to all Indian well-wishers of the public to send this letter to the military sepoys at any rate."

So this letter was broadcasted all through the Punjab and other places. This letter goes on to say:

"In the last war, the British by keeping your brethren before the guns of Germany caused them to be killed. After the War the British took possession of the German colonies in Africa and what did they give you? A similar war is about to start again."

Now, these words are to be marked. We know what the political conditions are in Europe and everywhere else; and it is at this juncture that an attempt is being made to tamper with the loyalty of the soldiers in India. It says:

"The British will once more extol you to try to cause you to be burnt in the blazing fire of this war. Are you prepared to die always for the British and to incur the odium of the world? We know that you have accepted the slavery to the British for the sake of your bellies and that you have no personal friendship with them. We hope that just as the native troops in other countries gave help to those who had revolted, in the same way, in the event of outbreak of mutiny you will also join the *Ghadarites*, that is, the mutineers, and help in the removal of the British Government and the achievement of emancipation of India."

It goes on to say:

"You know that at present a British soldier gets much more as salary than an Indian sepoy, though in a battle it is the Indian troops which are sent to the forefront in the blazing fire, and on many occasions the Indian women were dishonoured by British soldiers."

This was the sort of pamphlet which was published by these youths who have returned recently from Moscow. Again they say:

"The *Ghadarites* are quite confident of your support. You have once given proof of it. Only a short time ago, the Garhwalis flatly refused to obey the orders of the British to fire on the Indians. The *Ghadarites* are aggrieved by the fact that Gandhi, the Leader of the Congress, has not fully appreciated the sacrifices undergone by these sepoys. The *Ghadarites* have viewed this mischievous act of Gandhi with contempt and they have much respect for the sacrifice resorted to by these sepoys. The *Ghadarites* want to assure their brethren of the Army that Gandhism is dying out in India, and the *Ghadarites* who have approbation of the sacrifices of these sepoys are gaining ground."

That is, the peaceful non-co-operation cult of Mr. Gandhi is dying out and Communism is becoming more and more vigorous in this country. This is what they say. In fact, this is the reading of the situation by these gentlemen:

"Dear brethren, for the future you should not lose your precious lives for the sake of the British, but should instead join hands with the *Ghadarites* in washing out the blot of slavery of India to the British and thus benefit from the efforts of your own people as well as of others. Until the outbreak of a great war or mutiny, you should outwardly remain loyal to the British, but always inwardly attached to the *Ghadarites*. Until the outbreak of a war or mutiny, you should outwardly remain loyal to the British, but always inwardly you should be attached to the *Gaddar Party*."

THE INDIAN CRIMINAL LAW AMENDMENT (REPEAL) BILL.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, the other day, when I was speaking on the motion before the House, I pointed out that the mere fact that provisions of any Act were being abused or misused was not a justification for demanding its repeal. Sir, it is not only the supplementary laws or Ordinances which are being abused and misused, but I submit that there are provisions in the ordinary laws of the country which are many times being abused and misused; and it has never been contended that, only because the provisions are being abused, those enactments should be withdrawn.

Now, Sir, we have got section 144 of the Criminal Procedure Code. It is well-known that the provisions of this section have often times been abused and misused in this country. I can point out a case from my own province. For the last two years, the Muslims of Ajodhya have not been allowed to perform sacrifice on the occasion of *Id-uz-Zuha* on account of orders issued under section 144 of the Criminal Procedure Code. In spite of the fact that the right of Muslims to perform sacrifice has repeatedly been admitted by Indian High Courts, the executive have ignored the rulings of the High Court and the law of the country, and the authorities in Ajodhya have for the last two years prohibited the Muslims to perform sacrifice at the time of *Id-uz-Zuha*. A third *Id-uz-Zuha* is shortly coming, and I do not know what action the Government of the United Provinces or the Government of India are taking so that the Muslims may be allowed to perform a religious duty, namely, the sacrifice on the occasion of *Id-uz-Zuha*. In spite of it, it was never suggested by anybody in this House that section 144 of the Criminal Procedure Code should be repealed or withdrawn. In the same way, we know that section 110 of the Criminal Procedure Code is sometimes misused. Even if some respectable persons or big landlords incur the wrath or displeasure of the police or the executive, they are run in under section 110 and sometimes are sent to jail; but it is not a justification, and it has never been argued or pointed out, that this section should be repealed or removed from the Statute-book of the country. What I mean to say is that the mere fact that an enactment or the provisions of a certain law are sometimes abused or misused is no justification for saying that that enactment or that law should be repealed or removed. As long as laws exist in the world, I think their abuse and misuse will also continue.

Mr. A. K. Fazlul Huq (Bakarganj cum Faridpur: Muhammadan Rural): You admit it has been misused?

Sir Muhammad Yakub: I said the other day that not only this, but other enactments are abused. The executive officers have as many failings as Honourable Members on this side; they are not perfect men and you cannot say that the executive will always act rightly. But what is the criterion? The chief thing to be seen is whether the necessity for keeping a certain measure on the Statute-book exists or not. Mr. President, we have been debating this Bill for a full year, and more than a dozen Honourable Members to my right have made speeches—not only five or ten minutes speeches, but speeches for two hours or more—in support of the Bill. What have they shown? They have shown the hardships inflicted upon the public by carrying out the provisions of this Act which my friend wants to be repealed. They have only shown that on such and

such an occasion the provisions were applied to such and such an association and some hardships were inflicted on certain persons. I ask 'Is this a legal or logical ground to demand the repeal of the Act?' No attempt whatsoever, not the feeblest attempt, has been made to show that the necessity for keeping this measure on the Statute-book no longer exists. Many eminent lawyers have spoken in support of the Bill of my friend, Mr. B. Das, but none of them has yet attempted to show or made even a feeble and slight attempt to show that Communist associations do not exist in India, that Communism has died out in this country or that the influence of Communists on the minds of Indian youth has become extinct. Therefore, I submit that unless my friends can show by valid, legal and logical reasons, and quote facts and figures to prove that Communism no longer exists in India, they will not be justified in demanding the repeal of the Criminal Law Amendment Act.

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural): What about England? Is there no Communism there?

Sir Muhammad Yakub: There is Communism in all countries in the world; but they have also got extraordinary powers and extraordinary laws to deal with it. In no country will you find that the executive is not armed with a weapon to deal with Communism or other subterranean movements. I shall try to show that Communism is gaining more and more strength in India and that the influence of the Communist is becoming greater and greater every day. I shall also try to show what secret methods the Communist is adopting to inject poison in the minds of the raw youth of India.

Mr. Mohan Lal Saksena: You seem to be in touch with them!

Sir Muhammad Yakub: If I am in this House, I think I am in touch with a large number of Communists. (Laughter.) I need not go outside the House to make friends with Communists.

An Honourable Member: Communalists or Communists? 12 12

Sir Muhammad Yakub: In this connection, with your permission, Sir, I will quote a few lines from the speech which the Honourable Mr. Sloan made in the Council of State on Wednesday, the 25th September, 1935, on the Criminal Law Amendment Bill, which is published in Vol. II, No. 8 of the Council of State debates. He said:

"Now, Sir, I should like to say one or two words—quite briefly—about Communism. Recently as a result of searches in Bombay we have acquired some very valuable information about Communism which has confirmed our suspicions and has enabled us to get valuable evidence of the work of the Communists, showing how widespread their activities are and also showing in a very interesting way how effective our law has been. A resolution passed by the Provincial Central Committee of the Communist Party of India on October 30th, 1934, mentioned having received reports submitted by Madras, Calcutta, Nagpur—I call the attention of my Honourable friend, Mr. Kalikar, to this: he thought his province was free from all these things—Nagpur, and oral reports of party work from the United Provinces and from the Bombay Presidency, that is outside Bombay City. No reports had been received from the Punjab and the resolution went on to direct the Secretary to call for a report from that province. That shows how widespread is the work of this committee. We also got from the same searches a list of secret instructions for work in India drawn up by the Communist Internationale. The following information is from a paper found in one

[Sir Muhammad Yakub.]

This is the moral which they want to teach to the soldiers in India:

"You should preach the same thing to your brethren in the Army and impress on each one of them separately that in the event of the British waging a war with any great power, they should in the first instance press the point that Indian troops cannot be sent abroad. If they are fraudulently sent to some place, they should fire in the air at the *Morcha* and seize the opportunity of going over to the enemy of the British."

Even if a foreign country invades India, our soldiers are being taught to revolt; for instance, they are taught that they should join Germany or Italy.

An Honourable Member: What is the harm in it?

Sir Muhammad Yakub: I do not want to address people who possess this sort of mentality. What I want to tell them, if they are patriotic . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should address the Chair.

Sir Muhammad Yakub: The only answer I can give them is, whatever they talk here about patriotism is mere camouflage and hypocrisy. ("Hear, hear" from Opposition Benches.):

"The enemy of the British is the friend of India and he would congratulate them on their action. When the British would enter the war in support of any power, India must resort to mutiny. In that case it should be your duty to join the *Gaddar* Party with your arms and sink the British rule. Before the mutiny breaks out, you should stick to your posts, but until such time, you should be kind enough not to obey the orders of the British to open fire on any Indian. When the mutiny starts, you should first take possession of the magazine and then by joining the *Gaddar* you should take your guns in the face of the British. Down with the British Empire, Victory for the Indian troops in the mutiny. We are brothers and friends."

Some Honourable Members from Opposition Benches: Hear, hear.

Maulana Shaukat Ali (Cities of the United Provinces: Muhammadan Urban): Is there any address to it? I would like to meet the writer who must be an interesting man worth meeting.

Sir Muhammad Yakub: Well, probably the writer of this will be visiting you every day. You do not require his address. They are all your bosom friends. Half of them have come into this House and half have remained outside. (Laughter from Opposition Benches.)

Mr. President (The Honourable Sir Abdur Rahim): The Chair would ask the Honourable Member again to address the Chair.

Sir Muhammad Yakub: Sir, this is the manner in which Communist propaganda is coming into this country. We also know that there is a well organized *Gaddar* Party in America and other parts of the world, and some of the members of this party every now and then secretly come to this country and try to destroy the fabric of society and civilization of our motherland. Under these circumstances, I ask, will it be patriotic, will it be right, will it be just on our part, when we are on the threshold

of a new era, to disarm not the European officers, but our own brethren, some of whom will soon take their seats on the Treasury Benches, and deprive them of the only weapon which they have got to meet these forces? ("Hear, hear" from Official Benches.)

There is one point, Sir, which I would like to submit, and it is this, that great stress was laid the other day by some Honourable Members on the point and they asked, why not have recourse to the ordinary law of the country, why not bring the cases of such people before the ordinary law Courts of the country? I submit, Sir, that anybody who has the slightest experience of governing a country will never say that cases of such subterranean activities and societies can be brought successfully before Courts. In the first place, there are very eminent lawyers in this House, and they know very well, how very difficult it is to produce the necessary legal evidence, or to get legal evidence, in such cases in order to bring them before law Courts?

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Therefore, convict them on suspicion.

Sir Muhammad Yakub: Then, Sir, it is very difficult to protect the lives of informers and approvers. We know how, when a man, who, according to the behests of his conscience, spoke the truth and revealed a conspiracy and gave evidence before a Court of law, was shot down and killed. Under these circumstances, either you should say openly that you want communism in this country or do not bring forward such childish arguments which nobody who has got the slightest grain of wisdom in his brains would accept. ("Hear, hear" from Opposition Benches.) Sir, is there any country in the world which can deal with secret associations by having resort to the ordinary law of the land? These are extraordinary conditions, and extraordinary conditions can only be dealt with by extraordinary weapons. What is the extraordinary weapon? I say this is the only extraordinary weapon which we have got to meet the present condition of affairs. The onus heavily lies upon my friends to show any other enactment on the Statute-book of India which can effectively deal with the menace of secret associations, communism, terrorism and such other activities which I have just mentioned.

Mr. President, the other day, my friend, Mr. Sri Prakasa, who, I am sorry, is not here today, delivered a speech for two hours, and that speech was applauded by all Members of his Party. He gave some details of the hardship which was inflicted.

(At this stage, Mr. Sri Prakasa, who was away, entered the Chamber.)

Some Honourable Members: Here he is. He has come.

Sir Muhammad Yakub: I am so glad he has now come.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): I am sorry I was late.

Sir Muhammad Yakub: Sir, the other day, my friend gave the House detailed accounts of two institutions on which, he said, very grave hardship was inflicted by the application of the Criminal Law (Amendment) Act.

[Sir Muhammad Yakub.]

Now, Sir; if the Communists in our country, or, for that matter, if any other enemy of our country, takes shelter in the wings of women and children and if they are coward enough to expose their women and children to save their faces, then they must be held responsible for any hardship that may be inflicted on women and children. If institutions which were once founded for giving ordinary education to boys are utilised for preaching Communism, then naturally the inmates of those institutions must suffer some hardship

Mr. Sri Prakasa: What authority has he to say that those institutions are dens of Communism?

Mr. Mohan Lal Saksena: He is a non-official informer.

Sir Muhammad Yakub: I have got enough authority for making those allegations before the House.

Mr. Sri Prakasa: Then the Honourable Member must produce proofs to show that those institutions are dens of Communism.

Sir Muhammad Yakub: You ought to have produced proofs when you placed your formula before the House the other day.

Mr. President (The Honourable Sir Abdur Rahim): There should be no conversation of this kind.

Mr. Sri Prakasa: I have only placed before the House the facts as they are.

Mr. Mohan Lal Saksena: He is the non-official informer.

Sir Muhammad Yakub: Sir, I may also place certain facts before the House regarding the Prem Maha Vidyalaya about which my friend spoke the other day. This institution was originally founded in 1909. Since 1929, it had largely been used for political purposes and for producing and disseminating objectionable propaganda. The Principal of the Vidyalaya, Babu Jugal Kishore, started a village workers' training class in 1929 with the object of training men for seditious propaganda in rural areas. In 1930, the authorities of the Vidyalaya decided to utilise this class for the purpose of furthering the Civil Disobedience Movement in the Muttra and Agra districts. In 1930, the Principal, Babu Jugal Kishore, was arrested and sentenced to imprisonment under section 108 of the Criminal Procedure Code. Other political agitators who were students of the union were also arrested. At the beginning of 1932, the authorities of the Vidyalaya organised meetings and demonstrations in defiance of the orders issued under section 144 of the Criminal Procedure Code. Although the institution was nominally closed on the 7th January, 1932, a number of students remained behind with the object of taking part in the Civil Disobedience Movement. The institution was, therefore, declared to be unlawful under section 16 of the Criminal Law Amendment Act of 1908

An Honourable Member: This very Act.

Sir Muhammad Yakub: this very Act, and its premises were taken over under section 3, sub-section (2) of the Unlawful Associations Ordinance of 1932. The institution had been originally established for giving ordinary education to the students, who attended it, but as it was being allowed to become a hot bed of politics and sedition the Local Government sanctioned the filing of a suit by the District Magistrate under section 92 of the Civil Procedure Code. This will show that, when the Government can, they take action under the ordinary law of the land. So a suit was filed under section 92 of the Civil Procedure Code with the object of introducing a new scheme of management for the institution, and with a view to carrying out the wishes of the original donors of the endowment. The suit has not been finally decided and an appeal is still pending before the High Court so far as I know. I ask if an institution which was originally started for the innocent purpose of giving education to boys is being utilised for such activities and then the poor boys have to suffer, on whom is the responsibility? The responsibility lies upon those who use these institutions for nefarious activities of their own and not upon those who want to curb those unlawful activities. About the other institution, I will not make any remarks because my Honourable friend is himself connected with that institution.

Some Honourable Members: Go on.

Sir Muhammad Yakub: Suffice it to say that these apparently innocent educational institutions are being utilised for carrying on communist and terrorist propaganda in the country, and, therefore, it is necessary and it sometimes becomes the duty of Government, to take possession of these institutions, and in doing so, some inconvenience must be caused to the inmates of the institutions. But the responsibility, as I have said, lies upon those who utilise these institutions for propaganda work. Mr. President, I beg to assure the Honourable Members on my right, through you, that I am not an inch behind them in my feelings of patriotism for my country. I have as much anxiety and desire to see my beloved country take its proper place

Some Members on the Opposition Benches: Oh!

Sir Muhammad Yakub: in the civilised world, and, therefore, it is that I submit most sincerely, and with the greatest emphasis that I can command, that it would not be right on our part at this time to disarm the Government of our own country of the weapons which we have got in our armoury to meet the forces of disorder and communism in India. The pamphlet, a translation of which I have just read before the House, shows that the Communist Party has as much hatred for the Congress and its esteemed leader, Mr. Gandhi, as they have for the Government. When they see that the strong hand of the British is being somewhat loosened in the country and that, at least in the provinces, the leaders of our own country will be in charge of law and order, naturally it will give them an impetus it will encourage them to increase their activities and to put their activities into force with greater vigour than they have been doing up to this time. Will it be really right that we should disarm our own people, our own friends, the members of the

[Sir Muhammad Yakub.]

Congress, who we expect will occupy the Treasury Benches after the next elections at least in the provinces . . . (Interruption) . . . for which they are hankering,—will it be right that we should disarm my Honourable friend, Mr. Satyamurti, of the weapon with which he will have to meet the forces of anarchy in the province of Madras? Therefore, in the circumstances, let us wait for one or two years more. The time will shortly come when, even in this Assembly, there will be no Nominated Members and there will be no Government bloc, and if the people of our own country, who are made responsible for the government of the country, will think, that these Statutes are not required, if they so desire that they will be able to govern the country without the aid of these weapons, then there will be nothing in their way to repeal them and to remove them from the Statute-book. There will be no Nominated Members, there will be no Government bloc, and the leaders of our own country will be in a better position to do away with all the laws, and I think, not only this law, but I should be jolly glad if they will repeal all the laws in the country and try to govern without any law. (Laughter.) For these reasons, I am sorry I have to oppose the Bill which has been moved by my Honourable friend, Mr. B. Das.

Captain Rao Bahadur Chaudhri Lal Chand (Nominated Non-Official): Sir, I could not get a chance to speak in the earlier stages of this Bill at Simla, and as clause 2 of this Bill is the operative clause, I hope you will pardon me if I speak generally about the origin and working of the 1908 Act, while opposing the passing of this clause. I must confess at the outset that it is not without some sacrifice of my communal interests that I have to oppose measures that would disturb the peace and tranquillity of India. I belong to a community which has been the subject of exploitation by the monied classes ever since a settled form of government has been established in India, and our progress is barred. It does not need any arguments to prove this. We, Jats, were the masters of Northern India when the British came, and if we had not been stopped by this peace-loving Government, we would have gone down and taken possession of my Honourable friend, Mr. B. Das's own province. (Laughter.) If, therefore, conditions are restored in India wherein we could revive our activities and organise our raids on the rich, we, as a community, stand to gain. But the higher interests of nationalism demand that peace and order should be maintained in the country. Therefore, I have to sacrifice my communal interests and give preference to higher and national interests. Sir, this Bill has been in existence since 1908 and has been very freely used during recent years. The reasons for the repeal of this Act, as given in the Statement of Objects and Reasons, are not that it has been a dead letter, and, therefore, serves no useful purpose on the Statute-book, but that although it was intended only for terrorists and anarchists movements, yet the power given to the executive has been lately misused in declaring peaceful and non-violent societies as unlawful and thus great injustice has been done to the Congress. With your permission I will read the relevant portion to the House. It reads:

"Both Parts I and II were enacted with a view to enable the Government to deal with avowed crimes of violence by anarchical and revolutionary organisations. The manner in which Part II has been used since May last to repress avowedly non-violent organisations and non-violent activities and in particular to suppress the

organisations of the Indian National Congress and the peaceful and legitimate activities of Congress workers, has resulted in an abuse of the law of so serious a character and has inflicted an amount of injury and injustice, so wide and general, that the highest Courts in India have had to point out and condemn them."

In other words, it comes to this that as power has been misused by the executive in regard to activities other than those of the terrorists and anarchists, therefore it should be repealed. Now, Sir, I have perused the provisions of Part II of this Act and find that its operation was not confined to openly anarchical and terrorist movements only but it was in 1908 enacted to be used against the so-called peaceful and non-violent societies which were not half so harmful and dangerous to the peace of the country, as the Congress has been. The Honourable Sir Harvey Adamson who was in charge of this Bill explained this in his speech very clearly and with your permission I wish to read the relevant portion of his speech.

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. President (The Honourable Sir Abdur Rahim), in the Chair.

Captain Rao Bahadur Chaudhri Lal Chand: Sir, I was going to read from the speech of Sir Harvey Adamson who was in charge of the Bill in 1908. My object is to show that the Act was intended to operate upon societies other than terrorists. Speaking of *Seva Samitis*, he said:

"Outwardly professing to be devoted to such laudable objects as keeping order at meetings and helping pilgrims at festivals, they have been largely used for the forcible boycott of foreign goods, and for terrorising the community. The members often claim to travel free and they have not hesitated to assault officers of steamer and railway companies who have refused them accommodation."

Thus, it is not true, as was stated by Mr. B. Das, that the Act was meant for dealing with anarchists and terrorists alone. The reason is simple. Some societies were outwardly non-violent and peaceful and yet they exploited young men for nefarious deeds. That was in 1908. What is the position today?

Sir, in this connection, I would refer to the speech made by the Honourable Pandit Krishna Kant Malaviya at Simla. He gave many instances and I will here quote only two of them. In one case he mentioned that a young man who had been proclaimed an offender and who was hiding during the day and travelling at night did come to him for help, and, instead of reporting the man to the police, as any honourable citizen would do, he gave him monetary help in order to feed him and to provide travelling expenses.

An Honourable Member: What for?

Captain Rao Bahadur Chaudhri Lal Chand: Probably my Honourable friend did not then realise that by his doing so he was committing an offence under section 216 of the Indian Penal Code. Then, my Honourable friend, Pandit Krishna Kant Malaviya, quoted another instance of a leading Congressman of Cawnpore city who related to him that he knew all about the raid on the Viceroy's train. He knew all the plans before the actual occurrence took place, and yet neither before the occurrence nor during

[Captain Rao Bahadur Chaudhri Lal Chand.]

the investigation or trial of the case was this secret revealed to the police or to the Courts.

But why should I quote individual cases? The world has progressed since 1908, when young men used to be exploited and used for these crimes. Since then we have seen young girls also employed for this purpose. Even Pandit Krishna Kant Malaviya—I am sorry he is not in his seat now—related how he acted during the struggle for non-violence and peace. He pointed out that young women were put in the forefront as volunteers, while he used to watch from a distance! (Laughter.) Sir, I cannot believe that young girls could use pistols at convocation gatherings without the support of some of our so-called inoffensive non-violent friends and societies. Not only that. During the last ten years we have seen in every province that witnesses have been hooted, boycotted and terrorized by these societies. We know that in all conspiracy cases the defence has been organized by the Congress and perpetrators of the worst deeds have been deified by them. I wish my Honourable friend had not brought in the Congress. Sir, for that body I have a very great regard. (Hear, hear.) The topmost men are men of whom every country will be proud, and they have made very great sacrifices. I also admit that it is not part of their creed to resort to anarchical crimes; but, frankly speaking, this could not be said about all the rank and file. Necessity has forced the Congress to recruit men from the lowest grades of society; so the use of this material could not but result in corruption, and it is no use arguing here that they are all angels.

An Honourable Member: They are all angels!

Captain Rao Bahadur Chaudhri Lal Chand: Sir, I am convinced that there might not have been enough reasons for this Act in 1908, but surely, at the present moment, it would be sheer madness to ask for the repeal of this Act. I may here inform the House that in 1908, even Dr. Sir Rash Behari Ghosh, that eminent lawyer and once President of the Congress, supported this Bill. His argument is worthy of notice, and I will only read a couple of lines from his speech. This is what he said:

"My Lord, when the Executive have deliberately come to the conclusion that they should be invested with new powers to maintain law and order, it is, generally speaking, the duty of every Member to support the Government; specially at a time like this, when they have to face a great and serious, though not a widespread, evil. I am, therefore, glad to be able to say that I can honestly vote in favour of the Bill."

Sir, if I had time, I could show that a Congressman of today is a terrorist of tomorrow and it is a breeding ground for law-breakers. I do not wish to take any more time of the House, and I resume my seat in the hope that those Honourable Members who have got a free conscience...

An Honourable Member: Like yourself!

Captain Rao Bahadur Chaudhri Lal Chand: ... would certainly not like anarchy to take the place of peace by our repealing this legislation. Sir, I oppose. (Applause.)

Several Honourable Members: I move that the question be now put.

Mr. Umar Ali Shah (North Madras: Muhammadan): Sir, I rise to support the repeal of the Criminal Law Amendment Act, 1908, which

has been moved by my Honourable friend, Mr. B. Das. Many Honourable Members have made lengthy speeches, and I do not want to take up much of the time of the House. Sir, this Act was originally passed to meet the terrorism and sedition prevalent in Bengal in 1908. There were revolutionary and anarchical activities in those days in Bengal, and this Act was aimed at suppressing them. But, with the passing of this Act, many innocent citizens were ruined by this horrible law. The Government misused this law by roping in even innocent citizens in the name of law and order. As a protest against this measure, the Non-Cooperation Movement was launched with the support of the Indian National Congress and the Congress actively encouraged that movement. There are several instances where the Government, under the authority vested in them by this law, have harassed innocent and poor people. I can give the instance which took place in a town in my part of the country. I am referring to Peddapuram, an old historical Kshatriya's town, in Godavari District. There some respectable, rich and learned people gathered to take some lunch. Strange to say, just before they sat for lunch, the policemen came on the scene with arms and lathis and destroyed the whole food that was collected there to be partaken by the people and dispersed the people by dealing lathi blows. The result was several people were injured. I can multiply instances like this to show how the Government have abused the provisions of this law. The very fact that Government desire the continuance of this law shows the utter weakness of the Government position. There is no anarchy or revolution at present in any part of India and hence there is no necessity to continue this law on the Statute-book any longer. This British Government have been ruling this country for the last 150 years. They have got many more laws on the Statute-book which are quite sufficient to cope with any situation and which are enough to enable them to rule this country. India is a great and peaceful country with many races and religions. While many nations and races came here to rule, all of them had to go away and only this British Government have come to stay. The Indians have the habit of treating their rulers as God Vishnu. The Indians are always quite faithful and law-abiding from the very beginning. I read many criminal laws which were prevalent in ancient Governments and races, but none of them was so rigorous as the present law. The kings, who introduced repressive laws in their kingdoms, lost their country in a short time. This Criminal Law now on the Statute-book has created a great gulf of difference between the Government and the people, but Government do not realise this. The British Government came as a saviour to our country, but they do not maintain their prestige on account of such repressive laws. The people here do not want to support any repressive law, and the Government know it and still they want to continue such laws to our utter disgrace. The Government have become very unpopular on account of this law. Unpopularity is not fair for any Government, any nation and any party. I, therefore, submit, it will not pay for the Government to continue this law any longer on the Statute-book. I request the Government to repeal this law at once, so that the people may live in peace and harmony. We are all human beings and we should not be ruled with such a law!

"Angloham Bharathoha mithyapimahan,
Koyam vibhedhah prabhoo,
Kim gangam buni bim ti thembarqmanaw.
Mruth kumbha puttham bhase."

[Mr. Umar Aly Shah.]

(No difference between the British and the Indian as a king as the sun's reflection in the water of the (Ganges and in the pot is the same.)

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, I must thank you.

Mr. President (The Honourable Sir Abdur Rahim): The Chair wishes to remind the House that there are 30 or 40 Bills of which notice has been given by non-official Members awaiting introduction.

Mr. T. S. Avinashilingam Chettiar: Sir, I must thank you and this Honourable House for giving me an opportunity to say a few words over this very important measure. The importance of this measure can be understood from the fact that about 20,000 or 30,000 or 40,000 people have been arrested in the name of this law in this country and my Honourable friends who have preceded me have spoken enough to show how this Act has been misused by the Government. It rests with me today only to say a few words and explain why we, on this side of the House, feel so keenly about the repeal of this Criminal Law Amendment Act. It is common ground, and I hope the Honourable Members on the Opposite Benches will accept it from us that we are all against anarchism. We are against violence. If possible, we will try to help the Treasury Benches and the Government, as far as possible in our hands, to see that this anarchy and these violent political crimes are put an end to. In saying so, Sir, I have got the great authority of Mahatma Gandhi and the other political leaders of the country. Mahatma Gandhi has said not once, not twice but a hundred times and none dare doubt his sincerity that as far as it lies in his power he will do his best to put down this political violence in this country. But Mahatma Gandhi's work as a non-violent preacher has been made rather difficult by the actions of this Government because of this very Act. Repression by its very nature creates a power that destroys it, and oppression by its very nature creates the power that destroys it. That is the natural law governing humanity and nature. And that being so, there is no doubt that when there is repression and when there is oppression, that itself creates a power in the country in opposition to it. And the acts of oppression which have been committed by this Government under this Act have not tended to quell this anarchism and violence but are rather encouraging them. And that is the very reason, Sir, why we feel that this Bill should be repealed. In this matter I will say one thing. Many speeches have been delivered in this House. We Indians are suffering from a very peculiar disease and Mr. C. R. Reddy of Madras coined a very fine name for it, and that is "competitive loyalty". And I am sorry that people have vied with each other to show this Government how loyal they are. They are not satisfied with talking about the pros and cons of the Bill, but they must show their loyalty by abusing other people with or without evidence. In this matter I should suggest to you, Sir, that the use of scraps of paper which are not properly authorised must carry very little value indeed.

Sir, our reasons for opposing the Act are threefold. Firstly, the Act itself has no restrictions placed upon it. It is giving a writ to the executive to act in any way it pleases, to declare anything it pleases as legal or illegal and arrest a man, put him in jail for six months or fine him a thousand rupees. Secondly, I can understand that in extraordinary cases any executive must be armed with great powers. But the executive that should be armed should have our confidence; and in this case we can say from past experience that they have absolutely violated all rules and they do not deserve to get a *carte blanche* from us. Thirdly, I should like to quote here one passage which our friend Captain Lal Chand read out. He has said that Dr. Rash Behari Ghosh supported this Bill. Sir, I will quote a little bit from that speech. He said:

"My Lord, when the executive have deliberately come to the conclusion that they should be invested with new powers to maintain law and order, it is, generally speaking, the duty of every Member to support the Government, specially at a time like this when they have a great and serious, though not a widespread, evil."

Captain Lal Chand read thus far and stopped. I will read the next few lines:

"I am, therefore, glad to be able to say that I can honestly vote for the Bill. But there is one clause in it and only one which I have not been able to bring myself to accept, I mean the clause which gives the executive power to suppress associations which they may deem to be unlawful";

and the clauses to which he referred are exactly the clauses which this Bill seeks to delete. Sir, I support the Bill.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Sir, in the first instance, I wish to assure you that I have carefully read the remarks which I addressed to this House on the first occasion with reference to this Bill. And I further assure you that, but for the fact that there are matters which, whatever might be the fate of the Bill, it is both the interest and the duty of the House to know, I would not have thought fit to occupy the time of the House. To a certain extent, the speech of my Honourable friend, Sardar Sant Singh, in the manner in which he analysed the sections of the Act which is sought to be repealed, has left me in a position to shorten the observations which I have got to make. There is one more matter which evidently has not received sufficient attention of the House, perhaps by reason of the fact that my Honourable friend, Sir Abdul Halim Ghuznavi, had given notice of an amendment for their omission, and for some reason, which it is very difficult to understand to some and very easy to understand for the others, the amendment has not been moved. The clause before the House consists mainly of two sub-clauses. Sub-clause (2) says:

"All proceedings and prosecutions pending on the date of the coming into force of this Act shall be deemed to be withdrawn."

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And sub-clause (3) says:

"All sentences of imprisonment or fine or both that may remain to be undergone or paid by those convicted under the Act shall cease with the coming into operation of this Act."

I am aware, Sir, that under the General Clauses Act here, the repeal of an Act does not affect either the proceedings of the prosecutions pending or the sentences of imprisonment or fine which have not been suffered and paid; though I am bound to call attention to the fact that prior to the enactment of the General Clauses Act the English law stood as follows. I am reading from Maxwell on Interpretation of Statutes, page 342:

"When an Act expired or was repealed, it was formerly regarded in the absence of provision to the contrary as having never existed except as to matters and transactions passed and closed."

And, Sir, that was a very salutary provision of the law which, by the General Clauses Act and by other Acts operative in that behalf, has adhered to continuing the proceedings and prosecutions and allowing the sentences of imprisonment and fine still to be suffered by persons even though the Act may be repealed. It was strenuously urged upon you at the time when the closure was sought to be moved at the time of the debates in Simla, that sub-clauses (2) and (3) were independent and did not necessarily follow as a corollary from sub-clause (1). As a matter of interpretation of the General Clauses Act, that undoubtedly was true. But equally it is true that, prior to the enactment of that Act, the English law stood as I have already read to the House. And, therefore, if the Repealing Act was to be passed, it was necessary that sub-clauses (2) and (3) should also be passed, in view of the provisions of section 6 of the General Clauses Act. So much, Sir, for those two sub-clauses which have been read. There is one more matter that I wish to add in reference to sub-clauses (2) and (3), and that is that whereas in a case of long-standing ordinary legislation sub-clauses (2) and (3) might well be regarded as unnecessary or uncalled for, with a legislation of this type to which exception is taken as a matter of principle, it is undoubtedly essential that the expiration of the mischief, should we succeed in attaining it, should also be coterminous with the cessation of all prosecutions and with the results which follow under sub-clause (3) of sentences of imprisonment and fine which have not been suffered or paid. It is because we object to this Act on matters of principle that we submit to the House that sub-clauses (2) and (3), though not necessary corollaries by reason of the statutory provisions of India, are a necessary sequence of repeal and must be accepted as a necessary sequence, so far as this particular Act is concerned. On the previous occasion, Sir, I had occasion to observe and make remarks with reference to section 17 to which I only wish to make a reference in passing. I have no desire to travel over that ground again, but the point I submitted was that here is an executive government wanting this and nothing less. It is not as if you are today considering a provision which might be changed or altered or which might be found can be pruned or amended or moderated. You are here face to face with a Statute in which either you take the extreme

limits of every word that is there or nothing. That being the position, as I pointed out with reference to section 17, it has been interpreted by many High Courts in India to which attention has been called in the Statement of Objects and Reasons "and has inflicted an amount of injury and injustice, so wide and general, that the highest Courts in India have had to point out and condemn them", and among the most important has been that there is no qualification to the infliction of punishment for assisting the operations of an assembly which may be declared illegal under section 16. In fact it was pressed upon many High Courts that at all events they should read the words "unlawful" operations of an "unlawful assembly", but they said that the Legislature has given unchartered liberty so far as the executive in this matter is concerned, and they must enjoy it so long as the Legislature choose, either in their ignorance or in their lassitude, to continue to allow to remain on the Statute-book an Act in which once an association is declared illegal, however lawful, however proper its acts may be, any association with its lawful acts is still punishable and is in fact and has been punished during the last four years. Coming, Sir, to the real mischief of the Act, it is in sub-section (b) of section 15 (2). If the matter had stood at (a), there is a definite position and power which an executive may be understood to claim in an emergency if one is made out satisfactorily. Section 15 (2) (a) is:

"Which encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts."

I am reading all this to show to you, Sir, and to the House, if I can, 3 p.m. and to the extent to which I can, that in every single Statute the right tendency in modern times has been that whenever any power is conferred for the purpose of meeting any mischief that the mischief shall be defined in terms so precise that it cannot be the subject conceivably of abuse except in a dishonest manner. Therefore, so long as section 15 (2) (a) stood, one could not take any objection to it, should the executive make out a case for the requirements of an exceptional power to meet the then real and proved emergency. But when you come to sub-section (b), you have there a provision the like of which it is impossible to find:

"Or which has been declared to be unlawful by the Local Government under the powers hereby conferred."

You might as well have had no sub-section (a). Sub-section (a), in the language of Sir Muhammad Yakub, is what is called camouflage, for if you have sub-section (b), namely, "any association which has been declared to be unlawful by the Local Government", it is difficult to understand why, except for the purpose of sheer deception, sub-section (a) was required at all. But the truth of the matter is this: that it is the same old story. So long as Legislatures, and willing and submissive Legislatures are to be found, having perhaps made out a case on some definite matter which can be precisely stated, you then proceed to say: "Now that you are in my grips, I want you to give me a further unchartered power." It is that which is the subject of real mischief, it is that which has been the subject of real abuse and it is that against which the House now protests in the way of this Statute for its repeal. For

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section 16 under which the power to declare unlawful associations is given is in these terms:

"If the Local Government is of opinion that any association interferes or has for its object interference with the administration of the law or with the maintenance of law and order, or that it constitutes a danger to the public peace, the Local Government may, by notification in the official Gazette, declare such association to be unlawful."

And the test of it all, again, is a form of drafting which, unfortunately, is not scrutinised carefully during the time wherever a scare is created. I put it to you, Sir, and I put it to the House that if that section had only said: "If the Local Government is of opinion that any association may by notification be declared unlawful", the section would have exactly remained the same; for what is the section? The section is: "If the Local Government is of opinion, etc.", so that it is a matter of little consequence, there is no examination of how that opinion is arrived at, there could be no examination of how that opinion is arrived at. Then why do the words after 'opinion' read that the association either interferes with the administration of the law or with the maintenance of law or order, or that it constitutes a danger to the public peace? I can well understand a piece of legislation where it was possible to examine the existence of the grounds on which the Government was going to act and form its opinion. Then there is indeed some sense, some point, some materiality in those words, but inasmuch as you cannot examine the opinion of the Government at all, it is not competent to any tribunal to examine that opinion, you might as well wipe out those words from the section and read that section as if it ran:

"If the Local Government is of opinion that an association should be suppressed, it may by notification declare such association to be unlawful."

Let us, therefore, not remain under any delusion in the company of Captain Lal Chand who might have conquered India, but gave it up to the Britisher for the sake of peace. It is a matter of extreme regret that men after men should get up in this House and read this, take what it does not mean, take what it cannot aim at, and deliver addresses which at least it is sad to hear. He talked of exploiting young men, but what about exploiting old men from time to time and times without number. I wish and trust that a generation will now rise when there may be the exploitation of old men, and the exploitation of the young would be an impossible situation. (Applause.) This lip-sympathy for the exploitation of young men we all know is perfectly futile and cannot be sincere. Let us fully understand what this Act stands for. If you take away its verbiage—in that you cannot examine it—no tribunal can examine the grounds of the opinion—if you take away the verbiage from this Act, all that the Act can say is: "If an Indian Prince, whose will is law, had declared such an Act, he might have been asked either to abdicate or perhaps been sent on a holiday." (Hear, hear.) For the Act really and truly means—and I want every man before he votes against this measure of its repeal to fully understand and not let himself remain

under any delusion or under a mistake—that it is Government's opinion, an opinion which is not liable to be criticised, an opinion which is not liable to be displaced, an opinion which is not liable to any examination by any impartial tribunal; therefore, the grounds which are there stated are a worse camouflage. All that legislation is that the will of the executive is to be the law of the land, no more and no less than the sultanates of many States, many Eastern States where the British-loving public from time to time had considered them States, where life is no worth living, life is not worth a moment's purchase, life is not worth a minute's purchase. So it is not for those who are safe and immune from the disabilities of visits from the executive to really realise their implications and the main significance that underlies this power. Most of the legislation of these times has within it many words, but it is those words which are catchwords and it is for that reason that the House should realise what it is that we stand for, and not merely say that I am here to protect the communist because I am asking for the repeal of this law. What prevented the Government during the last 28 years' existence of this Act from saying: "We will repeal sub-section (b): we will repeal section 16, but we shall add a further category to sub-section (a) which encourages or aids persons to commit acts of violence or intimidation, etc., or who are members of any communist organisation"? But it does not suit them to have any definition or limitation, any precision over the powers that are asked. You begin first with a sort of thin end of the wedge: you persuade the too willing mind as if you are only dealing with persons who are encouraging or aiding persons to commit acts of violence or intimidation, and, under the guise of that, you come along with the next general section conferring upon the Local Government the power to declare *any* association unlawful which is inconvenient to them; and as if that was not sufficient, there is a pretence there which is recited in every single case that is given out for the purpose of notification under the Act. I, therefore, wish to call the attention of the House to the really wide—in fact very wide—scope of this piece of legislation that they should not remain under a misapprehension that anybody is going to examine the opinion of the Government, whether, whenever they declare a particular association to be unlawful, whether it was a proved case of interference with the administration of law or with the maintenance of law and order.

Sir, I will say a few words more about what fell from Sir Muhammad Yakub. It seems to me a surprise that a lawyer of his intelligence, always anxious not merely for the time being but for the future Governments which he hopes and trusts that the popular party in this land will come into possession of—that he and Sir Abdul Halim Ghuznavi seem to be the only unfortunate recipients of some red leaflets which are read out here; and during the course of reading, a false impression is created as if there is any vouching for either their source or their truth: for all I know or care, of the circumstances under which they have appeared on two occasions here, one may draw one's own inference as to where they emanated from. But forgetting the origin of it, it is easy to read out as if he had already vouched for the truth of it, as if he had already proved it to the satisfaction of the House that it was obtained from men whom he personally knew. A great deal is said as if it was the propaganda of a proved genuine source which was to be treated as a mischief to be dealt with by this Act. This kind of argument, I hope and trust, will

[Mr. Bhulabhai J. Desai.]

not go down with the House. The House is called upon to consider solemnly only one thing and that is whether or not the time has not come when such unchartered liberty is to be given to the executive whereby the life and property of individuals who dare stand for the freedom of their land is to be in their keeping or not. I, therefore, have the honour on behalf of those who believe that to be pro-Indian is not to be anti-British, and, therefore, standing as we do on that platform which every man of honour should respect, I ask that the motion which is before the House should be supported.

Honourable Members: The question may now be put.

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

"That clause 2 stand part of the Bill."

The Assembly divided:

AYES—66.

Aaron, Mr. Samuel.
Abdul Matin Chaudhury, Mr.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Badrul Hasan, Maulvi.
Banerjee, Dr. P. N.
Bhagavan Das, Dr.
Chattopadhyaya, Mr. Amarendra Nath.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Chunder, Mr. N. C.
Das, Mr. B.
Das, Mr. Basanta Kumar.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Essak Sait, Mr. H. A. Sathar H.
Fuzlul Huq, Mr. A. K.
Gadgil, Mr. N. V.
Giri, Mr. V. V.
Govind Das, Seth.
Gupta, Mr. Ghansham Singh.
Hans Raj, Raizada.
Hosmani, Mr. S. K.
Jedhe, Mr. K. M.
Jinnah, Mr. M. A.
Jogendra Singh, Sardar.
Joshi, Mr. N. M.
Kailash Behari Lal, Babu.
Khan Sahib, Dr.
Khare, Dr. N. B.
Lahiri Chaudhury, Mr. D. K.
Laljee, Mr. Husenbhai Abdullabhai.

Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Murtuza Sahib Bahadur, Maulvi Syed.
Nageswara Rao, Mr. K.
Paliwal, Pandit Sri Krishna Dutta.
Pant, Pandit Govind Ballabh.
Parma Nand, Bhai.
Raghubir Narayan Singh, Choudhri.
Rajan, Dr. T. S. S.
Raju, Mr. P. S. Kumaraswami.
Ranga, Prof. N. G.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Satyamurti, Mr. S.
Sham Lal, Mr.
Shaukat Ali, Maulana.
Sheodass Daga, Seth.
Siddique Ali Khan, Khan Sahib Nawab.
Singh, Mr. Ram Narayan.
Sinha, Mr. Anugrah Narayan.
Sinha, Mr. Satya Narayan.
Sinha, Mr. Shri Krishna.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Thein Maung, Dr.
Umar Ali Shah, Mr.
Varma, Mr. B. B.
Vissanji, Mr. Mathuradas.

NOES—66.

Abdoola Haroon, Seth Haji.
Abdullah, Mr. H. M.
Acott, Mr. A. S. V.
Ahmad Nawaz Khan, Major Nawab.
Allah Bakhsh Khan Tiwana, Khan Bahadur Nawab Malik.
Aminuddin, Mr. Saiyid.
Ayyar, Diwan Bahadur R. V. Krishna.
Ayyar, Rao Bahadur A. A. Venkatarama.
Bajpai, Sir Girja Shankar.
Bhagchand Soni, Rai Bahadur Seth.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Buss, Mr. L. C.
Clow, Mr. A. G.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Das-Gupta, Mr. S. K.
Dash, Mr. A. J.
DeSouza, Dr. F. X.
Gajapatiraj, Maharaj Kumar Vijaya Ananda.
Ghiasuddin, Mr. M.
Ghuznavi, Sir Abdul Halim.
Gidney, Lieut. Colonel Sir Henry.
Grigg, The Honourable Sir James.
Grigson, Mr. W. V.
Hands, Mr. A. S.
Hidayatallah, Sir Ghulam Hussain.
Hossack, Mr. W. B.
Hudson, Sir Leslie.
Hutton, Dr. J. H.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Jehangir, Sir Cowasji.
Khurshaid Muhammad, Khan Bahadur Shaikh.
Lal Chand, Captain Rao Bahadur Chaudhri.

Leach, Mr. F. B.
Lindsay, Sir Darcy.
Lloyd, Mr. A. H.
MacDougall, Mr. R. M.
Mathai, Dr. J.
Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad.
Metcalfe, Sir Aubrey.
Milligan, Mr. J. A.
Mody, Sir H. P.
Morgan, Mr. G.
Muhammad Ismail Khan, Haji Chaudhury.
Muhammad Nauman, Mr.
Mukherjee, Rai Bahadur Sir Satya Charan.
Noyce, The Honourable Sir Frank.
Rajah, Raja Sir Vasudeva.
Rajah, Rao Bahadur M. C.
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Rau, Mr. P. R.
Sale, Mr. J. F.
Sarma, Mr. R. S.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan, Captain Sardar.
Singh, Rai Bahadur Shyam Narayan.
Sinha, Raja Bahadur Harihar Prosad Narayan.
Sircar, The Honourable Sir Nripendra.
Spence, Mr. G. H.
Tottenham, Mr. G. R. F.
Witherington, Mr. C. H.
Yakub, Sir Muhammad.
Yamin Khan, Sir Muhammad.
Zafrullah Khan, The Honourable Sir Muhammad.
Ziauddin Ahmad, Dr.

Mr. President (The Honourable Sir Abdur Rahim): The result of the Division is, there are "Ayes" 66 and "Noes" 66. Following the well established principle of *status quo*, in such cases, I vote with the "Noes". and I declare that the "Noes" have it.

The motion was, therefore, negatived.

Mr. President (The Honourable Sir Abdur Rahim): As regards clause 1 and the Preamble and Title, the Chair does not think it is necessary to put any question. Clause 2 was the only operative portion of the Bill. The Bill, therefore, drops.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 406.)

Sardar Sant Singh (West Punjab: Sikh): Sir, I beg to move:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of Section 406*), as reported by the Select Committee, be taken into consideration."

[Sardar Sant Singh.]

Last time, when I moved that the Bill be referred to a Select Committee, I gave my detailed reasons as to why I want an amendment of section 406 of the Criminal Procedure Code. I need not repeat the arguments which I then gave and which were accepted by this Honourable House. The section which I want to amend lays down that in the case of appeals against orders for security demanded for keeping the peace or for good behaviour, the appeal, according to the main section, lies to the Sessions Judge. But a proviso was added to it by which Local Governments were empowered to change the course of appeal by issuing a notification in the Local Gazette that in particular districts the appeals would lie to the District Magistrate and not to the Sessions Judge. I explained then that such notifications have been issued by the Punjab Government, by the Government of the North-West Frontier Province, by the Government of Burma and by the Government of Bihar and Orissa. On behalf of the Government, the Honourable the Home Member laid great stress on the point that this demand for the repeal of the proviso had not come from Burma or the North-West Frontier Province or from Bihar and Orissa. My Honourable friend, U Ba Si, who represents Burma in this House, got up after the speech of the Honourable the Home Member and declared that Burma did want this reform. In the face of that declaration it cannot be said now that Burma does not want this reform. As a matter of fact, the reform is urgently called for so that appeals in security cases should be dealt with in a judicial manner by a judicially minded tribunal, that is, the Sessions Judge. The matter was then referred to a Select Committee and the Select Committee has by a majority decided in favour of the Bill.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Pandit Govind Ballabh Pant, one of the Panel of Chairmen.]

As no amendment has been tabled, I need not take the time of the House in discussing further the provisions of this simple Bill. It only wants, as I have stated before, the removal of this proviso and to retain the substance of the section as it was. Sir, I move.

Mr. Chairman (Pandit Govind Ballabh Pant): Motion moved:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of Section 406), as reported by the Select Committee, be taken into consideration."

The Honourable Sir Henry Craik (Home Member): It is true that as a member of the Select Committee I signed the Select Committee Report, but I do not think that that prevents me from expressing my dislike and my disapprobation of the Bill. I will not, however, detain the House at this stage with any reasoned opposition, but I do not want it to be taken that I acquiesce in the passage of the Bill. The Bill is not, in my opinion, wanted by the provinces to which it will apply. It will involve those provinces in unnecessary and avoidable expenditure, and I do not admit, nor do the provinces concerned, nor the High Courts concerned admit, that the present law leads to any abuse. Sir, I merely rose in order to indicate what my attitude to the Bill is, because I do not want it to be taken from the fact that I signed the Select Committee Report that I am in agreement with the principle of the Bill. I am, in fact, strongly opposed to it.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): I support this Bill with a few remarks. Section 406, Criminal Procedure Code, which is sought to be amended has reference to Chapter VIII of the Criminal Procedure Code. It says that if any person has been ordered under section 118 to give security for keeping the peace or for good behaviour he may appeal against such order. Section 118 refers to taking security from a man for keeping the peace, and section 110 requires security to be taken from a person who is a bad character. Before section 406 was amended, in 1923, the appeals against orders under this Chapter used to go to the District Magistrate. It was brought to the notice of the Legislature and of the Government that the procedure which was adopted under Chapter VIII was already very much of an executive nature and their procedure which is even now in vogue was that a police officer, or for the matter of that, even a person who is a spy, could come before the sub-divisional magistrate and lay information before him confidentially and in secrecy with regard to a particular person being a bad character and the sub-divisional magistrate would issue an order to the person to come and show cause why he should not be bound down. When he came before such a Court, you can realise his position. The practice at present is that the sub-divisional officer goes on making secret enquiries and then takes action, but how are those enquiries made? If there are certain enemies of that man, they go and give information and other of them take a chance to go up to support. If more people go to the side of the enemies then the information given even by honest men on the other side is not considered. In that case the judgment is given and the man is bound over. Up to that stage the procedure is all executive. Subsequent to that the man is allowed to make an appeal and formerly the appeal came before the District Magistrate, his immediate executive officer who usually would support him. This was considered by the public not a safe procedure because at no stage it had a judicial consideration and, therefore, in 1923 the amendment was made and the appeals were made to lie to the Sessions Court. When it comes to the Sessions Court, it is at least presumed that judicial consideration would be given. Of course the materials before the Sessions Court are of such a nature that in my opinion full judicial consideration could not be given to it; because what the Sessions Judge would find would be simple hearsay evidence. So the materials before the Sessions Court are themselves of an executive nature. They are only suspicions and on those suspicions a man has to be bound down but still there is another provision in the Code which takes away even that least judicial consideration which the decisions of the Sessions Courts provide. The provision is made that the Local Government may by notification in the local official gazette direct that in any district specified in the notification appeals from such orders made by a magistrate other than a District Magistrate or a Presidency Magistrate shall lie to the District Magistrate and not to the Court of Session. The same story said again. If it comes to the Local Government to make a notification then at several places they can make the notification and destroy the effect of the amended law and in fact at present in several districts such notifications do exist. Therefore, it is that my Honourable friend did very well in bringing this Bill to get that discrimination removed and he should be congratulated for having brought this Bill and for having succeeded in the Select Committee to get that proviso eliminated. I, therefore, support this Bill.

Mr. M. S. Aney (Berar Representative): I wish to make a very few observations before recording my vote on the motion. What the object of the Bill is has been made sufficiently clear to the House by the Honourable the Mover of the Bill and my Honourable friend, Mr. Lalchand Navalrai. The point which I wish to bring prominently to the notice of the House is this. Here is a proviso by which the right of appeal is said to lie to the District Magistrate on a notification to that effect by the Local Government. Now, we have to understand what these security proceedings are. These are for keeping peace and security for good behaviour. These are the proceedings taken mainly in the interest of law and order by the sub-divisional magistrate at the instance of the police officers or certain informants. The orders in the first place are passed by the sub-divisional magistrates themselves. It is well-known to you that the District Magistrate is the person who is responsible for law and order in the district and the sub-divisional magistrates, who try these cases in the first instance, are directly subordinate to them. These proceedings are many times lodged with the consent of the District Magistrate and with previous consultation with him by the police officers. Those who have to deal with these cases in the criminal Courts very often find in the records of those cases that the police officers generally refer the matter to the district superintendent of police who in consultation with the District Magistrate order the police officers to lodge the complaint in the proper Court. It means that when the appeal against the orders passed by the sub-divisional magistrate in such cases has to go to the District Magistrate it is practically going to the officer who is more often than not already a party to the lodging of the proceedings themselves. The prosecutor becomes himself a Court of appeal to decide these matters. This is the worst feature of the existing practice. In many provinces the Local Governments do not issue notifications under this proviso and the appeals go to the Sessions Judge in the normal course. But in certain provinces there is a solicitude for maintaining the prestige of the sub-divisional magistrates and so on and the Local Governments, by issuing the notifications, empower the District Magistrate to entertain these appeals. The process of appeal to the Court of Session is barred on account of these notifications. My objection is this. By allowing the District Magistrates to be the Courts of Appeal virtually the chance of getting a fair judicial hearing is barred and the chance of getting justice is also very much minimised. Secondly, when these proceedings are taken we know how the evidence is recorded. Certain District Magistrates in deciding these appeals have laid down that the standard of weighing evidence in these security cases is different from the standard of weighing evidence in other cases. I have not got any judgments now with me but I know of several magistrates who follow this policy. Evidence of character is admitted on hearsay and no judicial mind is brought to bear upon sifting of evidence to find out whether a real case has been made out for demanding security from the accused. These are the difficulties which occur when the case is heard by the District Magistrate and, if our object is to give a fair facility to the accused in getting justice in appeals, then, it is better that appeals must go to the Sessions Judges who are by their training and by their profession capable of bringing a judicial mind to bear on the evidence which is before them. Therefore, I think the Bill which my friend, Sardar Sant Singh, has brought deserves to be favourably considered by this

House. It looks to be a small Bill. But in the interests of justice, it is an important improvement which is suggested and I hope the House will approve of that improvement and carry the Bill.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Mr. President, I rise not to discuss this Bill just now on its merits, but to ask for enlightenment on a question of procedure. I was rather surprised to hear the Honourable the Home Member oppose the Bill. That is what, I understand, he did; he opposed the Bill. Well, Sir, here is the Select Committee's Report. It is signed by the Law Member, the Home Member and the Secretary to the Legislative Department, Sir Lancelot Graham, and in addition to this, it is signed by five non-official Members. There is no minute of dissent; and from the Select Committee's report, on the face of it, it appears that it has the support and blessing of Government. Now it is the usual practice in all Houses of Legislature that when you do not agree with the majority, you write a dissenting minute. You may say that you do not agree in two or three words, or you may explain the reasons why you do not agree, in order to enlighten the House. Nothing has been done in this case. We have not been informed as to why Government do oppose this Bill. On the face of it, it appears as if they do not oppose it. I think, Sir, this is extraordinary.

The Honourable Sir Henry Craik: May I rise to a point of personal explanation. I quite agree with my Honourable friend that it is rather an extraordinary piece of procedure and I did consider whether I should append a minute of dissent. I understand I am under an obligation as a Member of the Select Committee to sign the Select Committee's report, but I could have appended a minute of dissent. I did consider whether that was right or not and I confess that I was ignorant of the procedure of this Assembly in these matters and I came to the conclusion that as my objection to the Bill was fundamental, and not on any point of detail, it would be better not to append a minute of dissent but to merely explain, when the Bill came on for discussion, that my opposition is, as it always was—as I made it clear at the second reading—still there. I may have been wrong in that, but if so, I can only apologize. I had no intention of making my position obscure. I made my position perfectly clear on the debate on the second reading. I quite agree now that I should have appended a minute of dissent.

Sir Cowasji Jehangir: I do not want to be dogmatic about procedure, I can only go by the experience I had for many years in a Local Legislature and for six years in this Legislature, and all I can say is that this is a most extraordinary procedure that was followed: and if it had been followed by a non-official Member, we would take him severely to task. I remember an occasion in this House when a non-official Member signed the Select Committee's report and thus gave the impression that he agreed with the majority, but when it came to voting, he opposed it, and so we took him severely to task. Am I now to understand that the Honourable the Law Member and also the Secretary in the Legislative Department are in the same category as my Honourable friend, the Home Member?

The Honourable Sir Henry Craik: I do not know.

Sir Cowasji Jehangir: What is the position of Government in this matter? Here it is signed by the Honourable the Law Member and the Secretary of the Legislative Department, what is the position of Government now?

The Honourable Sir Henry Craik: We are not going to oppose the third reading.

Sir Cowasji Jehangir: Then it is a personal expression of opinion on the part of the Honourable the Home Member.

The Honourable Sir Henry Craik: I am sorry I did not make myself clearer. The principle of the Bill had been accepted by the House on the second reading. It was not altered in any respect by the Select Committee; and I do not intend to oppose the further stage, the third reading. I only want to make it clear that I dislike the Bill. I am not opposing it.

Sir Cowasji Jehangir: I would respectfully point out that that is an exceptional position to take up. I can understand his thinking it of not such great importance as to force Government to oppose it; I can understand that position, in which case the best thing would have been not to say a word but to be content with his expression of opinion on the second reading. He went to the Select Committee; he was a member of that Select Committee, he had all the opportunities he desired to express his opinion and, what is much more, being the Home Member in charge of the Department, he could have insisted upon opposing this Bill, but he did not do it.

The Honourable Sir Henry Craik: Where?

Sir Cowasji Jehangir: In the Select Committee. There the Honourable Member could have appended a minute that he did not agree with the principle of the Bill and that he was going to oppose the Bill, and he could have insisted on his other Colleagues doing the same. That was not done. I am only now speaking about the future. Mr. Chairman, I understand Government are not going to oppose this Bill, and there is nothing further to be said. It will be put to the vote, I understand, and carried through its usual stages; but, for our own information, I think matters ought to be made perfectly clear, that where an official or non-official Member signs the majority report without appending a minute or even stating in two or three words that he does not agree, he should not be allowed to change his mind afterwards.

The Honourable Sir Henry Craik: I have not changed my mind.

Sir Cowasji Jehangir: . . . unless circumstances have so changed as to justify a change of opinion. I think that is a wholesome practice which should be followed by all sides of this Honourable House.

Mr. Chairman (Pandit Govind Ballabh Pant): The question is:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of Section 406), as reported by the Select Committee, 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.

Sardar Sant Singh Sir, I move:

"That the Bill, as reported by the Select Committee, and as amended, be passed."

Mr. Chairman (Pandit Govind Ballabh Pant): The question is:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of Section 406), as reported by the Select Committee, and as amended, be passed."

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTIONS 30, 34, 34A AND 35.)

Sardar Sant Singh (West Punjab: Sikh): Sir, I move:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of Sections 30, 34, 34A and 35), be circulated for the purpose of eliciting opinion thereon."

My Bill proceeds to amend certain sections of the Criminal Procedure

Code, the principal of which is section 30, while other sections, namely, sections 34, 34A and 35 are incidental amendments that have become necessary if the amendment to section 30 is carried. The operative clause of my Bill is clause 2 which says:

"Section 30 of the Code of Criminal Procedure, 1898, shall be repealed."

Section 30 of the Criminal Procedure Code reads thus:

"In the territories respectively administered by the Lieutenant Governors of the 'Punjab' and Burma and the Chief Commissioners of Oudh, the Central Provinces, Coorg and Assam, in Sind and in those parts of the other provinces in which there are Deputy Commissioners or Assistant Commissioners, the Local Government may notwithstanding anything contained in section 29, invest the District Magistrate or any Magistrate of the first class, with power to try as a Magistrate all offences not punishable with death."

Sir, according to the scheme of powers with which Magistrates are invested in all Provinces in India, the first class Magistrates have the powers to punish people to a term of two years' rigorous imprisonment and to a fine of one thousand rupees, while this section 30 gives power to the Magistrate by a notification issued by the Local Government to punish any offender to seven years' rigorous imprisonment on one count and to 14 years' rigorous imprisonment on two counts. Originally when this section, as worded, was confined to the Province of the Punjab, Burma, the Chief Commissioner of Oudh, the Central Provinces, Coorg and Assam, Sind,—these Provinces were non-regulation Provinces. Now, these Provinces are not non-regulation Provinces. As a matter of fact Burma will shortly be separated from India and constituted into a separate Province having no concern with India at all. The other Provinces have achieved the status of a Governor's Province. It is an anomaly why section 30 should find a place in the general criminal law of the land. What I demand is that the status of these Provinces should be raised to the same level as the other Provinces like Madras, Bombay, Bengal and the United Provinces. Therefore, my submission for the consideration of this House is, that all these Provinces should no longer be discriminated, but that they should stand on an equal footing, being units of the same Federation.

[Sardar Sant Singh.]

My second point is that the justice administered by section 30 Magistrates is not liked by those who seek justice. This argument may be taken to involve that I am casting unmerited reflection on the integrity of Magistrates in general, but it is not so. I will fully explain my position later on. But, at this stage, I want to emphasise the point that so long as the judicial and executive functions are combined in one and the same individual, it is absolutely essential that in the administration of serious cases, which involve punishment up to transportation for life, the justice administered should be such as should win the confidence of those who stand at the bar before the Magistrate. Apart from any question of questioning the impartiality or integrity of the Magistrates who are engaged in this work, the question of principle which is involved in this is of great importance to the House and I hope the House would be with me when I ask for the repeal of this section. Such powers should not be vested in the Magistrates. Serious cases are tried by the Assistant Session Judges and Sessions Judges in other Provinces. The advantage of trial before Assistant Sessions Judges and Sessions Judges is that assessors sit at the time when the trial is held. Certainly the opinion of the assessors goes a long way to influence the Judges. Last time, when I moved the amendment to this section, it was contended on behalf of the Government that the change involved the Government to some expenses. Secondly, it was contended that it cast aspersions upon the integrity and honesty of the Magistrates, rather it is a suspicion against the whole magistracy. As regards the question of cost, my submission is that no administration can pay too much for winning and maintaining the confidence of the public in the judges of the land. If the confidence of the public is shaken in the judges of the land, the administration suffers much more than it could suffer by any political issue. Nobody can doubt that the standard of administration of criminal justice has been raised to a very high level by the jurists in the West especially in England. The principle underlying the dictum of the British criminal jurisprudence that let 99 guilty escape rather than to punish one innocent has not been laid down in the spirit of vain glory. It helped England to establish an Empire. Its disregard in India or elsewhere will lead her Empire to sure disintegration. Empire's foundation can last on the solid rock of justice and not expediency. However, this is by the way. The natural corollary of the above principle is that the onus of bringing home the offence to the accused is on the prosecution. The British system, unlike the French system of jurisprudence, does not require the accused to plead before the prosecution is called upon to prove the case against him. There is a fundamental distinction between the two sets of jurisprudence. This is the distinction between the jurisprudence of the two neighbouring countries. I think there will be no Britisher present here who would not agree with me that the British jurisprudence stand on a much higher level in this respect than the French jurisprudence. In a case where the question of restricting the liberties of a subject is concerned, it is absolutely essential that the executive should know that no Court of Justice shall ever restrict the liberty of any individual so long as the executive is not able to prove to the hilt the guilt of the accused. Otherwise there may be dangers and those dangers will be highly prejudicial to the safety and the security of the person and

property of the subjects. It is with this view that these fundamental principles have been incorporated in the British jurisprudence. My submission is, that unfortunately in India, I do not know why the Britishers have not so far conceded the proposition which they have in their own land, that is that the executive and the judicial functions should be separated. I have had the privilege several times of tabling questions on the floor of the House asking the Honourable the Home Member to tell us whether there is any chance of the judicial and executive functions being separated in India. I have been told, that Government are considering the separation of judicial and executive functions. And how long have they been considering it? The House will be interested to know that the period of this consideration has well nigh come to a century now. In reply to a question, that was tabled the other day in the House of Commons, as to how long the Government of India have been considering this question of the separation of judicial and executive functions, the reply was that it has been for about a century. The Government of India have not yet made up their minds one way or the other in one century. In the new Government of India Act a section has been embodied by which again the magistracy have been made subject to the District Magistrate. Now a Magistrate knows that his wrong decision of a case will not penalise his prospects in service; even a breach of all the rules and laws would not penalise him in the eye of the District Magistrate. But a little displeasure of the District Magistrate will go to stop his increments. So he cares more for winning the good opinion of the District Magistrate than administering the law as it is laid down by the Legislature. That is one great defect. I think my Honourable friends who happen to be District Magistrates and Magistrates in the Punjab who are sitting in this House will bear me out when I say that in the Punjab at any rate the Magistrates consult the police after the arguments are over.

The Honourable Sir Henry Craik (Home Member): No. no.

Sardar Sant Singh: My Honourable friend, the Home Member, may say, "No" but I can challenge that if an inquiry were made into it, I can prove by documentary as well as by oral evidence that after the arguments in open Court and in the absence of the defence counsel, the Magistrates have sent for the police or the Public Prosecutor or the Court Inspector, and asked him what he had to say. Magistrates have heard arguments in the absence of the defence counsel and have written judgments with the help and approval of the prosecuting agency.

Captain Rao Bahadur Chaudhri Lal Chand (Nominated Non-Official): Did they not send for the counsel for the accused?

Sardar Sant Singh: No. If Chaudhri Lal Chand were free to speak out his mind here as a defence lawyer, he would agree with me that what I am saying is absolutely correct. The position is that a certain procedure is laid down. It is not followed by the Magistrates for the simple reason that they have to depend for their increments and for their prospects in service on the goodwill of the District Magistrate. If I am not embarrassing the Honourable the Commerce Member, who has had a long and very good practice at the Bar, he will bear me out that this is unfortunately the case. Not only has it been our experience, but certain Honourable

Mr. Chairman (Pandit Govind Ballabh Pant): Motion moved:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of Sections 30, 34, 34A and 35*), be circulated for the purpose of eliciting opinion thereon."

Khan Bahadur Shaikh Khurshaid Muhammad (Punjab: Nominated Official): Sir, I rise to oppose this motion. The object of the Bill is to repeal certain provisions of law, under which selected Magistrates of the first class are invested with enhanced powers, to deal with certain offences which are in the ordinary course of things triable by a Sessions Court. The Punjab is the most important province in which these provisions of law have been in force for a long time past. I have some experience of the working of this system both as a first class Magistrate invested with these enhanced powers and as a District Magistrate, and I can confidently submit to this House that this provision of law has proved useful and beneficial.

An Honourable Member: to Whom? To the Magistrates?

The Honourable Sir Henry Craik: To the province.

Khan Bahadur Shaikh Khurshaid Muhammad: To all concerned. The Honourable the Mover of this Bill who comes from the Punjab wants these provisions of law to be repealed. I am sure that before this Honourable House would agree to take such a drastic step, it would like to be satisfied that the system which it is sought to be abolished, is (i) dilatory, (ii) inconvenient and troublesome to the public, (iii) more costly to the administration and to the persons concerned, and (iv) less efficient.

Sardar Sant Singh: But I only want circulation.

Khan Bahadur Shaikh Khurshaid Muhammad: I am coming to that. Taking the first point about the expeditiousness of the system allowed by section 30 of the Criminal Procedure Code, I think that everyone will agree that the trial of a case by a section 30 Magistrate takes very much less time than that by a Court of Sessions. In a trial by a section 30 Magistrate the preliminary enquiry and the long wait between the order of commitment and the trial by a Sessions Court are eliminated. Thus the time taken for the trial of a case by a section 30 Magistrate is almost one-third of that taken by a Sessions Court. Then take the second point of inconvenience and trouble to the public. In a case tried by a section 30 Magistrate, the accused and the witnesses are put in Court immediately after the police enquiry is finished and the Magistrate disposes of the case finally, as far as the Court of original jurisdiction is concerned. The prosecution and the witnesses are saved the trouble of a two-fold enquiry, one before the Magistrate and the other before the Court of Sessions. In addition to this, the witnesses escape the temptation of going back on their statements.

Mr. M. S. Aney (Berar Representative): Why not abolish the Sessions Courts altogether?

Khan Bahadur Shaikh Khurshaid Muhammad: The undertrial persons, on their side, are saved the torture of a long suspense while they are waiting for their trial. The trial by a section 30 Magistrate is thus more convenient from the point of view of all concerned.

The third test of the usefulness of the existing system is the cost; the cost to the Government and to the persons concerned. A first class magistrate invested with section 30 powers does not get any additional pay or extra allowance. In the Punjab there is at least one section 30 magistrate in each district, in addition to the District Magistrate who also exercises these powers; and in many districts like that from which my Honourable friend, the Mover, hails, there are more than one. These magistrates cost the Government much less than a Sessions Judge or an assistant Sessions Judge. If the work done by the section 30 magistrates were transferred to the Sessions Courts, the number of Sessions Judges in the province will have to be more than doubled, without making any reduction in the number of magistrates, as they will still be required to make the preliminary inquiry in Sessions case. The additional cost of the administration of justice to the local exchequer will be very heavy, which it is found it will not be able to bear in these times of dwindling finances.

I now come to the fourth and most important test, that of efficiency. I may state for the information of the House that only selected and senior magistrates of the first class are invested with the enhanced powers under section 30 of the Criminal Procedure Code. A list is maintained by the Local Government of all first class magistrates fit to be invested with higher powers. This list is revised annually on the recommendation of the Honourable the High Court at Lahore; and care is taken that only efficient magistrates are put on it. This is the class of magistrates from whom a selection will have to be made for assistant Sessions Judges if and when necessary.

Information was recently collected by the Government of India from the Punjab and other provinces where the system of section 30 magistrates is in force, regarding the quality of work of these magistrates, and it was found that the orders and judgments of this class of magistrate stood the test of appeal in the High Court, as well as, if not better than, those of the Sessions Courts.

The Honourable Sir Henry Craik: Better.

Khan Bahadur Shaikh Khurshaid Muhammad: Comparisons are odious; but perhaps this House will be interested to hear and consider some figures relating to the results of appeals. In the Punjab in the year 1930, the percentage of successful appeals from the orders of section 30 magistrates was 19, against 27 from those of Sessions Courts. In the year 1931, the proportion was equal. In the year 1932, the percentage of successful appeals from the orders of section 30 magistrates was 17, and from those of Sessions Judges 20; in 1933, the figures were 11 and 15 respectively; and in 1934, 13 and 18 respectively. Figures from other provinces and tracts are available for the year 1934 only, and they all show that the percentage of successful appeals from the orders of section 30 magistrates was lower than the appeals from the orders of Sessions Courts. If the results of appeals indicate anything, they go to show that this class of magistrates have administered criminal justice in cases coming before them as well as, if not better than, the higher Courts. Thus, judging from the point of view of promptness, of convenience to the public, of cost to the administration and to the persons concerned, and lastly, from that of efficiency, there appears to be no justification or need for the repeal of the provisions of law under which the system of section 30 magistrates is in force in certain provinces of British India.

[Sardar Sant Singh.]

Judges of the High Court, in their annual inspection reports, have written that this practice should discontinue. Not only that; it has been a comment in the public press that this practice is one which is very abhorrent to the principles of administration of justice. When I put down the motion for circulation I had in mind the fact that the present Honourable the Chief Justice of the Punjab is seriously considering this question of the abolition of section 30 Magistrates in the Punjab and considering the question of recommending the appointment of Assistant Sessions Judges.

The Honourable Sir Henry Craik: What is your authority for that?

Sardar Sant Singh: My authority is my speech. If the Honourable the Home Member were to consult the Honourable the Chief Justice, he will surely find light from that quarter.

The Honourable Sir Henry Craik: He has given an opinion in writing in exactly the opposite sense.

Sardar Sant Singh: I do not know, I have no access to that opinion. But I know from his annual visits of the various districts and the talks he had with the members of the Bar who complained to him about the maladministration of justice by section 30 Magistrates, that he has sympathetically replied to those representations.

The Honourable Sir Henry Craik: The Judges of the High Court of the Punjab as a whole are against any change, and they have stated so in writing.

Sardar Sant Singh: I am under the disability of not having access to those papers which the Honourable Member has.

The Honourable Sir Henry Craik: Then, why make wild statements for which there is no authority?

Mr. Chairman (Pandit Govind Ballabh Pant): This dialogue cannot be allowed.

Sardar Sant Singh: Leaving this controversy as it is, what I am asking for is circulation of this motion, in which case the written opinion of the Judges and the members of the Bar will be available if the motion is carried. I proceed further. The other great disqualification which has been imposed upon the magistrates from above is that every magistrate is required to dispose of a certain number of cases in a month. Not only this; they are required to submit a diary to the District Magistrate showing how many witnesses they have examined during the course of the day. This diary is submitted through a petty official of the Court, and that is a sub-court-inspector, an ordinary sergeant present in the Court. If I am casting a bit of reflection upon the magistracy of my province, I am sorry; but I think the executive is casting a greater slur upon their magistracy when they require them to tell them how many cases they have disposed of in the course of a month and how many witnesses they have examined in the course of a day and at what time they attended

Court. My point is that all these restrictions make it impossible for the magistrates, even with the best of intentions, to carry on their duties in a judicial manner. If any Honourable Member ever chances to witness the trial of an under-trial charged with a serious crime like culpable homicide not amounting to murder, he will have an experience of his life. The magistrate says "carry on, carry on, look sharp, we must finish this case today; I have to show how many witnesses have been examined and I have to say how many cases I have disposed of this month". Can you, with these conditions prevailing in the Punjab, expect any magistrate to do his duty according to law? It is impossible. Every magistrate will try to show his good work: not only this, the minimum number of cases which magistrates have to dispose of is fixed. There is a race among the different magistrates. If one magistrate has disposed of 20 cases in a month, another says "I will try to dispose of 25 cases"; there is a real race, an unconscious race, with the result that cases of a serious nature are disposed of as if they were cases where no justice need be done; only, a person has either to be sent to jail or acquitted. This is a very serious state of affairs. Can my Honourable friend, the Home Member, deny that in the Punjab it is laid down that the magistrates should show a certain number of disposals? Can he deny that private circulars are not issued to magistrates to show how many witnesses are examined each day?

Captain Rao Bahadur Chaudhri Lal Chand: My Honourable friend is aware that a quota is fixed.

Sardar Sant Singh: I am glad that confirmation has come from an unexpected quarter. A quota is fixed. Two evils cannot make one good. No quota is fixed for the Honourable the Judges of the High Court; they dare not. In the Sessions Courts too, no doubt a quota is fixed, but it is no justification to say that because a quota is fixed for Sessions Judges, therefore a quota should be fixed for the lower magistracy too. My complaint is that in the trial of such cases where a quota has been fixed and where the advancement of the magistrate depends upon the goodwill of the District Magistrate, no justice with the best of intentions, is possible. Therefore, I say that this power of investing the magistrates of the Punjab should be dispensed with. I need not take more time of the House on this point, I have tried to establish the necessity for the change.

I will now briefly refer to the other sections:

Section 34 deals with the power that can be invested under section 30 of this Code. It reads:

"34. The Court of a Magistrate, specially empowered under section 30, may pass any sentence authorized by law, except a sentence of death or of transportation for a term exceeding seven years or imprisonment for a term exceeding seven years."

As I explained to the House, this is only on one count. If the charge framed against the accused is under two counts, the Magistrate can pass double the punishment.

I want section 34A to be omitted; no other change.

In section 35(2) (b), there is a consequential amendment, I want the words "other than a Magistrate acting under section 34" to be omitted.

Sir, I move.

[Khan Bahadur Shaikh Khurshaid Muhammad.]

We are on the eve of provincial autonomy. All the provinces in British India do not have section 30 magistrates. It is not, therefore, desirable for this House to interfere at this time with the working of this system. None of the provinces where the system is in force desire any change. The Government of India has already obtained the opinions of the Local Governments and the highest Judicial Tribunals of those provinces, and all of them agree that the system is useful and should not be abolished.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): What about the public opinion in those districts?

Khan Bahadur Shaikh Khurshaid Muhammad: For the Punjab at least, I can say that public opinion has never expressed itself against the system of section 30 magistrates. Sir, a good deal of capital is sought to be made of certain diaries that magistrates submit to the District Magistrate. I am afraid my friend has not taken care to find out under what orders these diaries are submitted. These diaries, I may state for the information of the House and of my Honourable friend, are submitted under the orders of the High Court. The form of the diary is prescribed in the Rules and Orders of the High Court of Judicature at Lahore. The object of these diaries is to keep the District Magistrate informed of the amount of work pending in his district and the way in which it is being disposed of; he has to see that witnesses who attend Court on a certain date are examined that day and not sent away because the magistrate does not want to do his work on that day. I do not know how the submission of this diary can adversely affect the merits of the work of the magistrate.

As regards the remark made by the Honourable Member that the magistrates are under the thumb of the District Magistrate, I may inform the House that in the Punjab, the District Magistrate is not allowed to make any remarks regarding the criminal work of the first class Magistrates. The remarks about the merits of the work of first class Magistrates in the Punjab are made by the Session Judge and the High Court.

The Honourable the Mover of the Bill referred to the minimum number of cases that a magistrate had to decide in a year. I am afraid I do not know of any rules or orders under which this number is fixed. I have been working as a magistrate and also a District Magistrate, and I do not know of any such orders.

Sardar Sant Singh: I do not want to interrupt my Honourable friend as this is his maiden speech, but I would certainly ask him to tell me whether there is not a practice prevalent of submitting monthly returns to the District Magistrate showing the number of cases disposed of.

Khan Bahadur Shaikh Khurshaid Muhammad: There is a statement prescribed by the High Court which is filled in and sent to the District Magistrate, and the District Magistrate examines to see how many cases are pending in the district and whether he wants any more magistrates, but there are no rules or orders under which a magistrate is expected to decide 10, 20 or 30 cases a month. It all depends on the nature of the cases; some magistrates decide 4 cases, some decide 50 cases in a month. With these remarks, Sir, I oppose the motion.

Mr. Sham Lal (Ambala Division: Non-Muhammadan): Sir, I support the motion for circulation. It is the extension of the same principle as was involved in the first Bill, that is to say, unless you separate the judiciary from the executive, you will have these anomalies. What is sought to be done in this case is this. In security cases the appeal should lie not to the District Magistrate, but to the Sessions Judge, and the same principle is being extended here, because where people are sentenced to seven years' rigorous imprisonment or to transportation for seven years, we want that their cases should not be tried by Magistrates subordinate to the District Magistrate.

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

These cases should be tried by the Sessions Judges or the Assistant Sessions Judges who are not subordinate to a District Magistrate who is, after all, an executive officer. Leaving aside for the moment the question of merits, as to whether the Assistant Sessions Judges or the Magistrates are competent enough or not, I ask is it not a matter of principle that such serious cases should not be tried by Magistrates who are subordinate to the District Magistrate who, in all the districts, is really the prosecutor? In all these cases it is the District Magistrate who appoints the Public Prosecutor where one is to be appointed. If any instructions are to be given to the Public Prosecutor, it is the District Magistrate who does it, because he is responsible for the administration of the District and his advice is generally taken, and that fact cannot be denied. Well, it may be that with regard to judicial work, it is the Sessions Judges who have to write their annual remarks, but the career and the prospects of all the Magistrates are left to the sweet will of the District Magistrate. I know, Sir, of one case in which a section 30 Magistrate acquitted a Congress worker of sedition, and held that the evidence had been tampered with, that the police had committed forgery. That was the finding of a section 30 Magistrate. He had convicted all the other Congress workers, but in the case which I am citing, he found that the evidence had been fabricated. And what was the result? The District Magistrate reported against him and his promotion was stopped. What is intended is that in such cases the trying Magistrates should not be under the executive. That is the first principle which has been accepted under the previous Bill and it should be accepted now also.

Now, Sir, much is being made of the fact that Magistrates who are entrusted with section 30 powers are competent enough to discharge their responsibilities, and that a list is kept of these Magistrates. I remember the case of a Magistrate who happened to be a first class Magistrate in the time of Khan Bahadur Shaikh Khurshaid Muhammad when he was Sub-Judge at Rohtak, and he will probably remember how these Magistrates acted under section 30 powers. They did not know English, but a section 30 Magistrate has to record evidence in English, I see my friend, Chaudhri Lal Chand, is laughing, because he knows the case, and it was a common topic in those days. Now, how did this Magistrate record the evidence? He did not know English.

Khan Bahadur Shaikh Khurshaid Muhammad: Sir, I may tell my friend that one of the minimum qualifications for selection as a section 30 Magistrate is that the Magistrate should be able to prepare his file in English.

Mr. Sham Lal: I would request my friend, Chaudhri Lal Chand, whatever way he may vote on this motion, to say whether what I say is correct or not. In 1929 we had the privilege or opportunity of appearing each against the other, and there was a Barrister Magistrate, and what was the work what we did? We examined the witnesses and did the translation also for him. My friend dictated the examination in chief, and I dictated the cross-examination. But I am referring to that Magistrate who did not know English except the bare alphabets of the English language. One day the Court Inspector told me: 'Here is a Magistrate who is taking the work of a teacher. I will dictate wrong and bad English. You need not laugh, you only sit down. I shall take the whole responsibility'.

Captain Rao Bahadur Chaudhri Lal Chand: I do not recollect the name of the Magistrate. Will the Honourable Member please give his name?

Mr. Sham Lal: Yes, I can name the Magistrate. The Magistrate was Sayyad Walli Shah

Captain Rao Bahadur Chaudhri Lal Chand: But he was not a Barrister.

Mr. Sham Lal: If you want the name of the Barrister Magistrate in whose Court

Mr. President (The Honourable Sir Abdur Rahim): It is not perhaps necessary to mention names.

Mr. Sham Lal: If my friend wants to know the names of these Magistrates, I can mention them. Well, Sir, the Court Inspector said: 'this gentleman is taking the work of a teacher from me, I will dictate bad English, wrong English and ridiculous English, you need not laugh, I will dictate I'tism, and U'tism, and the Magistrate will not understand all that'. Of course the whole Bar laughed

Khan Bahadur Shaikh Khurshaid Muhammad: Sayyad Walli Shah was a Sub-Judge.

Mr. Sham Lal: But he was exercising the powers of a first class Magistrate and was trying to be a Sessions Judge.

Captain Rao Bahadur Chaudhri Lal Chand: He wanted to be a Sessions Judge.

Mr. Sham Lal: Sir, one day the wife of a Deputy Commissioner happened to be a witness, and this Magistrate had to write down her statement. She spoke in English, he could write her statement, but he did not know the spelling of some words. After the statement had been finished, that lady was asked to sign the statement which was recorded by the Magistrate in English, and she asked: 'What am I to sign, what is all this'

The Honourable Sir Henry Craik: This was not a section 30 Magistrate.

Mr. Sham Lal: He was trying to be a section 30 Magistrate, and in the words of my friend, Chaudhri Lal Chand, he was trying to be a Sessions Judge.

The Honourable Sir Henry Craik: But he did not succeed in either.

Mr. Sham Lal: Now, this Magistrate

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better not name anybody.

Mr. Sham Lal: No, Sir, I am not naming anybody.

It is wrong to say that only efficient magistrates or efficient men are given section 30 powers. It is all a question of other considerations. There are other qualifications, no promotion without conviction is the principle observed here. As pointed out by my Honourable friend, Khan Bahadur Shaikh Khurshaid Muhammad, of course, we are on the eve of provincial autonomy. But what would be this provincial autonomy if the executive is not separated from the judicial? We ought to have a separation of these two functions so that nothing may be said against the magistrates or Sessions Judges. My Honourable friend has quoted certain figures to show that a less number of appeals have succeeded against the orders of the magistrates, while more appeals have succeeded against those of the Sessions Judges. But he will realise that the Sessions Judges have to try cases of murder, dacoity, and so on, very serious cases, and the High Court have to give more time and more attention to murder cases, and you will find generally that appeals in murder cases succeed more than in ordinary cases tried by section 30 magistrates. Does my Honourable friend, the Khan Bahadur, want to lay down the principle that these section 30 magistrates are more competent than the Sessions Judges? In that case we should appeal to the Government to recruit better Sessions Judges. I, therefore, submit, that the question is not one of efficiency. You will find efficient section 30 magistrates. Of course, I had occasion to argue before the Khan Bahadur's Court. If there were Sessions Judges and magistrates like him, it would be a great pleasure, and there would be nothing to complain against. But the question is, is there a sufficient number of good section 30 magistrates, and are they not under the thumb of the District Magistrates? Are they free agents, or are they considered to be free agents? Does not the principle hold good, no promotion without conviction, and are not magistrates taken to task if they pass light sentences or if there are too many acquittals? It is a matter of common experience, it is an open secret, but no officer would confess it, nobody would confess it who has to support the Government, but if you go to any Bar, if you ask any lawyer, whether he is co-operating with Government or non-co-operating with Government,—on this point there would be only one opinion. The Chief Justice of the Punjab High Court came to the Bar Room and every member of the Bar had to say: "You are for stopping corruption. We know that you are, but can you put down this corruption?" That is the whole thing. What is wanted is that the trial judges, especially in such cases, should be above the executive, and should not be subordinate to the District Magistrates. Therefore, I support this motion.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official): What is the opinion of the Judges of the High Court about the working of these magistrates?

Mr. Sham Lal: If you are in the confidence of the Judges, you can ask them. I am not in the confidence of the Judges, and that is why we want this Bill to be circulated for opinion, and let the Judges give their opinion.

Dr. F. X. DeSouza (Nominated Non-Official): I rise to support this motion for circulation. The Honourable Member, a District Magistrate from the Punjab who spoke on behalf of the Government, dwelt, and I think very properly, on the merits of disposals under section 30, which he said consisted in quickness, convenience of the parties, comparative cheapness to the administration and general efficiency. But he failed to dwell upon one aspect of judicial administration which, in my humble opinion, is more important for the reputation and stability of the Government than any other, namely, the confidence of the public in the integrity of judicial administration. The merit, the supreme merit of the British rule in this country is the integrity of the administration of justice.

An Honourable Member: Question.

Dr. F. X. DeSouza: You may question it.

An Honourable Member: We have suffered.

Dr. F. X. DeSouza: Anyhow, the integrity of the administration of justice depends not only upon absolute freedom from corruption of the magistracy or of bias of the magistrates or judges, but upon public opinion regarding the impartiality of the magistracy and the judiciary. As I said before, speaking on the first reading of Sardar Sant Singh's Bill which has just been passed, magistrates and judges in this country should be like Caesar's wife, above suspicion. If, therefore, there is a general feeling in the country, and I personally think that there is an appreciable amount of feeling, that cases tried before the magistracy, however high the reputation of the magistrate may be, still lie under the imputation of a possibility of bias, unconscious perhaps, towards the executive authorities, and when that is the general impression, I think it is better that public opinion is consulted before a measure of this kind is finally disposed of. I am of that opinion, all the more firmly, because I understand that section 30 magistrates only exist in a very limited number of provinces, the Punjab, Burma, Coorg, and I do not think there is any other province.

Mr. Lalchand Navalrai: Don't forget that such magistrates are also in Sind.

Dr. F. X. DeSouza: Now, Sir, under the Federation all these provinces, except, of course, the Excluded Areas, are going to be assimilated so far as judicial administration is concerned.

Mr. E. M. MacDougall (Burma: Nominated Official): Not Burma.

Dr. F. X. DeSouza: They are all going to be Governors' Provinces. You have a Governor already.

Mr. E. M. MacDougall: We are going to be separate.

Dr. F. X. DeSouza: They are all going to be Governors' Provinces, they will have High Courts to supervise the administration of justice. If so, personally, I see no reason why there should be any discrimination against provinces like the Punjab and the North-West Frontier Province. (Interruption.) The general feeling is—I do not know, it may be right or it may be wrong, personally, I think it is wrong,—that the magistracy is amenable to executive influence. When I was a magistrate I certainly attempted to administer justice according to the best of my lights without any interference from anybody, and I think most of the magistrates who are now sitting in this House can say the same, but still there is a general feeling that somehow justice administered in the Courts of Sessions Judges, where there are lawyers on both sides watching the proceedings of the case, is justice administered *coram populo*, while justice administered before a magistrate is justice administered *in camera*. I say the feeling is not right, I know the Honourable the Home Member says it is not true, and I quite agree with him that it is not true, but there is the general feeling in the country. This is, therefore, a matter on which there should be circulation not only to the executive officers and judicial officers, but the opinion of the public at large should be called for. I, therefore, support this motion for circulation.

The Assembly then adjourned till Eleven of the Clock on Friday, the 14th February, 1936.

LEGISLATIVE ASSEMBLY.

Friday, 14th February, 1936.

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

QUESTIONS AND ANSWERS.

PERCENTAGE OF POPULATION OF HINDUS, MUSLIMS AND SIKHS IN THE NORTH-WEST FRONTIER PROVINCE AND THE CENTRAL PROVINCES.

431. *Mr. Ghansham Singh Gupta: Will Government kindly inform this House of the percentage of Hindu and Sikh population as compared to the Muslim population in the North-West Frontier Province and in the Central Provinces?

The Honourable Sir Henry Craik: The information required may be obtained from the Census Volumes, copies of which are in the Library of the House.

INCREASE IN THE POPULATION OF INDIA.

432. *Mr. M. Asaf Ali: (a) Will Government please state if it is true as stated in the Health Commissioner's last report that:

- (i) the total population of India, calculated on the basis of the rate of increase noted in the last census, is expected to exceed 400 million by 1941;
- (ii) the total acreage under food crops during 1933-34 has not exceeded about 206½ million acres, or 0.72 acre per head of the population;
- (iii) the food stuffs produced in India are insufficient for the requirements of the present population and will decrease considerably per head of the population in 1941;
- (iv) one of the reasons for the high rate of disease and mortality is lack of stamina in the bulk of the population; and
- (v) there is serious danger of matters getting worse within the next five years unless effective steps are taken to (1) introduce more intensive methods of cultivation, (2) make agriculture less unremunerative and, (3) generally encourage extension of cultivation of about 154 million acres of cultivable waste?

(b) If the answer to part (a) be in the affirmative, will Government state what steps, if any, have they taken to forestall the dangers the Health Commissioner has pointed out in this respect?

Sir Girdja Shankar Bajpai: (a) and (b): I would refer the Honourable Member to the answer given by me to Mr. Akhil Chandra Datta's question No. 158 on the 7th of this month.

AERONAUTICAL TRAINING CENTRE OF INDIA.

485. *Mr. F. E. James: (a) Will Government be pleased to state whether they have lent or propose to lend financial or other aid to the Aeronautical Training Centre of India?

(b) What is the constitution and organisation of the Aeronautical Training Centre? Is it a commercial body?

(c) Will the Aeronautical Training Centre be liable to any form of Governmental supervision? What is its precise relationship to the Department of Civil Aviation?

(d) Will the Aeronautical Training Centre be allowed to undertake 'ab initio' flying training?

(e) If the answer to part (d) be in the affirmative, is it not a fact that the operations of the subsidized Flying Clubs will be seriously affected?

(f) Were the subsidized Flying Clubs consulted in any way with regard to the Aeronautical Training Centre? If so, what opinions did Government receive from them?

(g) Has the Aeronautical Training Centre agreed to give preference to candidates for instruction in flying and ground engineering recommended to them by the Flying Clubs?

(h) What steps have Government taken or are proposing to take to ensure that the Flying Clubs, upon which so much public money has been spent, are not forced to suspend operations or close down entirely in the event of unrestricted competition from the Aeronautical Training Centre?

(i) Will Government please state if they are satisfied that the country's needs will be adequately met by the Aeronautical Training Centre and that the growth of flying knowledge throughout India will be sufficiently fostered by this one Institution if the Clubs are forced to close down?

The Honourable Sir Frank Noyce: (a) No assistance has been given by Government to the Aeronautical Training Centre of India. When the Centre is fully established, Government may consider the grant of bonuses assessed on the result of advanced training.

(b) The Centre is a commercial undertaking registered under the Indian Companies Act, 1913.

(c) Subject to the reply to part (g), the position of the Centre is precisely the same as that of any other commercial undertaking.

(d) The Centre is not debarred from undertaking *ab initio* training, I understand, however, that under an arrangement with the Delhi Flying Club all *ab initio* training is given by the Club.

(e) No. The Clubs, which receive Government subsidies, are or should be in a position to give *ab initio* training more cheaply than the Centre.

(f) The Aero Club of India and Burma made certain representations to Government on behalf of the Clubs. The Clubs generally were opposed to the establishment of the Centre, and were apprehensive about *ab initio* training by the Centre.

(g) A building site at the Delhi Aerodrome is being leased to the Centre at commercial rates. The lease contains a provision that half the students enrolled shall be nominated by the Director of Civil Aviation, who will naturally do his best to secure the admission of candidates recommended by the Clubs.

QUESTIONS AND ANSWERS.

(h) No steps appear to be necessary and Government are taking none.

(i) The Centre was established only a few weeks ago, and I am not prepared to express an opinion. But it is clear that the objects of the Centre differ from those of the Flying Clubs.

Mr. F. E. James: With reference to clause (c), may I know whether this Training Centre will be liable to any form of Government supervision, and what are its precise relations to the department of Civil Aviation?

The Honourable Sir Frank Noyce: The answer to that is that the Aeronautical Training Centre, being an independent commercial organisation, is only liable to supervision by the Civil Aviation Directorate to the extent involved by the Indian Aircraft Act, 1934, and the Indian Aircraft Rules, 1920, and to give effect to the conditions incorporated in the proposed lease, a condition which I have mentioned in my reply to part (g) of the question.

Mr. F. E. James: With reference to part (d), may I take it that it is open to any flying club to enter into arrangements with the Training Centre direct with regard to *ab initio* training?

The Honourable Sir Frank Noyce: Yes, Sir. Any flying club is at full liberty to enter into any arrangement it likes with the Centre.

Sir Cowasji Jehangir: May I ask whether this Centre is an educational institution?

The Honourable Sir Frank Noyce: Yes, Sir. May I suggest to my Honourable friend that it is very close at hand, and I am quite sure that the authorities will be very glad to allow him to inspect it?

Sir Cowasji Jehangir: May I ask whether it is not the practice of Government to give assistance to educational institutions?

The Honourable Sir Frank Noyce: If they are satisfied that their working is on sound lines. I have already explained that when the Centre is fully established, Government may consider the grant of bonuses assessed on the result of advanced training.

Sir Cowasji Jehangir: Do not Government give assistance to educational institutions run on commercial lines?

The Honourable Sir Frank Noyce: This is a commercial undertaking.

Sir Cowasji Jehangir: I understood the Honourable Member to say that the refusal of a grant was because this institution is run on commercial lines.

The Honourable Sir Frank Noyce: I said nothing of the kind. When it is fully established, Government may consider the grant of bonuses; but it is not yet fully established. We have to be satisfied regarding its working before we consider the grant of assistance.

EFFECT OF THE EXCESS LIVESTOCK IN INDIA ON THE FOOD-CROP GROWING CAPACITY OF THE CULTIVATED LAND.

433. *Mr. M. Asaf Ali: (a) Is there an excess of livestock in India? If so, to what extent does the excess affect the food-crop growing capacity of the cultivated land?

(b) Does this excess also call for immediate utilisation of cultivable waste?

Sir Girja Shankar Bajpai: (a) The answer to the first part is that there is probably an excess of livestock of inferior quality in India. As regards the second part, the Honourable Member probably wishes to know whether the area under food crops is to any extent diminished for growing fodder crops for this inferior stock. It is regretted that no precise information on this subject is available.

(b) No.

Mr. M. Asaf Ali: May I know why precise information is not available. Has any effort been made to obtain precise information on this subject?

Sir Girja Shankar Bajpai: My Honourable friend will appreciate the fact that this is a matter which is primarily the concern of Local Governments, and such statistics, as they maintain, are not of a very precise character in regard to this particular matter.

Mr. S. Satyamurti: Is it not one of the duties of the Imperial Council of Agricultural Research to compile all-India statistics on such important matters?

Sir Girja Shankar Bajpai: The Imperial Council of Agricultural Research assist the provinces in the matter of research, and, as regards statistics also, they are doing what they can, but it is not possible to get any information of this character without an expenditure which is not within the resources of the Imperial Council of Agricultural Research.

Mr. S. Satyamurti: Are not the figures available in the provinces?

Sir Girja Shankar Bajpai: If the provinces had them, I should have supplied them to the House.

Mr. S. Satyamurti: Will Government direct the collection of these figures on a provincial basis at least?

Sir Girja Shankar Bajpai: I have no objection to passing on the suggestion to the Local Governments.

BAD SANITARY CONDITION OF DELHI.

434. *Mr. M. Asaf Ali: (a) Has the attention of the Government of India been drawn to pages 67 to 70 of the Annual Report of the Administration of the Delhi Municipal Committee for the year 1934-35?

(b) Is it a fact that the Delhi Municipal Committee had drawn the attention of Government to alarming deterioration of Delhi's health conditions resulting from (i) heavy congestion, (ii) want of space for expansion, (iii) contaminated water supply, (iv) insanitary and inadequate drainage, (v) lack of facilities of unfiltered water supply and (vi) want of funds to effect necessary improvements?

(c) Is it a fact that the Delhi Municipal Committee applied for a loan from the Government of India for effecting necessary improvements, and also applied for Government's sanction to raise a loan on the same conditions as loans raised by Government, and that Government has sanctioned neither the one nor the other?

(d) Are Government prepared to take steps to remedy this state of affairs? If so, what?

Sir Girja Shankar Bajpai: (a) Yes.

(b) Yes.

(c) The Government of India were approached for permission to borrow in the open market for improving the water mains, drainage and the Western Extension. Government were unable to agree to borrowing in the open market but in view of the representations made did agree to lend money themselves to the municipality for the improvement of the city water mains and drainage system. As regards the Western Extension they have provided the money themselves.

(d) I would draw the attention of the Honourable Member to the reply given by me on the 12th September, 1935, to his starred question No. 305.

Mr. M. Asaf Ali: May I know why Government are not prepared to allow the municipality to borrow in the open market, provided they abide by the conditions which may be imposed upon such borrowing by the municipality?

Sir Girja Shankar Bajpai: It does not arise now as a practical question, because Government have agreed to lend the money themselves.

Mr. M. Asaf Ali: Are Government aware that the conditions have made it absolutely impossible for the municipality to go on with their schemes?

Sir Girja Shankar Bajpai: Subject, of course, to the Assembly's vote, actual provision for the loan has been made in next year's budget, and we have had no protests from the municipality that the conditions which we are imposing, as regards payment of the loan, are in any way excessive or unobservable.

Mr. M. Asaf Ali: Will Government be prepared to modify these conditions if the municipality raises objections?

Sir Girja Shankar Bajpai: I cannot say until I have a representation from the municipality as to which particular condition it objects to.

Mr. M. Asaf Ali: Have Government considered the advisability of starting a similar Centre themselves?

The Honourable Sir Frank Noyce: It is hardly necessary for Government to start another Centre, until they have seen how this one is going to work.

Mr. M. Asaf Ali: Is it not a fact that Lord Ronaldshay is connected with this Centre?

The Honourable Sir Frank Noyce: I believe so.

LABOURERS AWAITING EMBARKATION AT THE AVADI EMIGRATION DEPOT.

436. ***Mr. C. N. Muthuranga Mudaliar:** Will Government be pleased to state:

(a) whether it is a fact that labourers awaiting embarkation at the Avadi Emigration Depot are made to work in the Depot and the gardens attached thereto;

(b) whether any wages or other remuneration is paid to those labourers for the work so extracted from them, and if not, why not; and

(c) whether they have drawn the attention of the Avadi Depot Emigration authorities to the fact that imposing any labour on the labourers awaiting embarkation is a violation of the Emigration Rules?

Sir Girja Shankar Bajpai: (a) No labourer is compelled to work. Those willing to do so are given odd jobs such as grass-cutting, weeding and assisting in the vegetable garden.

(b) Not in cash but in kind. They are given extra luxuries, e.g., iddies, betel-leaves and tobacco or cigars, in addition to ordinary ration.

(c) If the Honourable Member has any information suggesting that the practice that I have described is objected to by the labourers or abused in any way, I shall have the question of discontinuing it considered.

Mr. C. N. Muthuranga Mudaliar: May I know whether violations of the rules are not taken notice of by the Government unless complained of by the labourers?

Sir Girja Shankar Bajpai: I have said, Sir, that these are not in conflict with the rules.

ENACTMENT OF A BANKING ACT.

437. ***Pandit Sri Krishna Dutta Paliwal** (on behalf of Mr. Mohan Lal Saksena): (a) Is it a fact that one of the recommendations of the Central Banking Enquiry Committee was for the enactment of a Banking Act?

(b) If so, will Government be pleased to state when they propose to introduce the necessary legislation?

The Honourable Sir James Grigg: (a) Yes.

(b) I would invite the attention of the Honourable Member to the reply given to Mr. S. Satyamurti's question No. 88 during the current Session.

INTRODUCTION OF BILLS AMENDING THE COMPANY AND INSURANCE LAWS.

438. ***Pandit Sri Krishna Dutta Paliwal** (on behalf of Mr. Mohan Lal Saksena): (a) Is it a fact that representations have been made by the various Chambers of Commerce to amend the existing Company and Insurance law?

(b) If so, will Government be pleased to state when they propose to introduce the bills to amend the Company and Insurance Laws?

The Honourable Sir Nripendra Sircar: (a) Yes.

(b) Government expect to introduce a Bill to amend the Indian Companies Act in the very near future. Mr. Sen's report on Insurance Law is still under consideration and Government are unable to say when an amending Bill will be introduced.

REPRESENTATION OF THE CASE OF INDIANS IN KENYA.

439. ***Pandit Sri Krishna Dutta Paliwal** (on behalf of Mr. Mohan Lal Saksena): (a) Are Government aware of the fact that a conference of Indians settled in Kenya was held at Nairobi on the 2nd and 3rd November, 1935?

(b) Have Government received a copy of the resolutions passed at the aforesaid conference? If so, have they taken any steps to represent the case of Indians in Kenya in their light?

(c) Will Government be pleased to lay on the table a copy of the despatch of the Secretary of State for Colonies of the 12th October, 1935?

Sir Girja Shankar Bajpai: (a) Yes.

(b) The answer to the first part is in the affirmative. On the two more important questions of practical importance, namely, the proposed Order-in-Council regarding the Kenya Highlands and the Marketing Legislation, representations had already been made, as the Honourable Member is aware. Such of the other questions as cannot appropriately be dealt with by the representatives of the Indian community in the local Legislative Council will receive the attention of Government when the need for this arises.

(c) It is presumed that the Honourable Member refers to Mr. Malcolm MacDonald's despatch to His Excellency the Governor of Kenya on the subject of Closer Union. A copy of this despatch has been placed in the Library.

DIFFICULTIES OF PASSENGERS IN THE GARHMUKTESWAR FAIR.

440. ***Pandit Sri Krishna Dutta Paliwal** (on behalf of Mr. Mohan Lal Saksena): (a) Are Government aware of the difficulties experienced by passengers in the last Garhmukteswar fair?

(b) Is it a fact that there was paucity of accommodation even in higher classes and that the special trains were delayed considerably? If so, what steps do Government propose to take to avoid these difficulties in future?

The Honourable Sir Muhammad Zafrullah Khan: (a) Apart from part (b) of this question, no.

(b) The Agent, East Indian Railway, states that loads of all regular passenger trains were increased to the maximum admissible and that more accommodation was provided in the special trains that were run in 1935 for the number of passengers offering than in 1934. A certain amount of delay to the special trains was inevitable owing to the capacity of the section between Garhmukhtesar and Ghaziabad being taxed to its maximum.

RECRUITMENT OF RETIRED MILITARY OFFICERS OF THE CANTONMENT DEPARTMENT AS CIVILIAN EXECUTIVE OFFICERS.

441. ***Mr. K. M. Jedhe:** (a) Will Government be pleased to state whether it is a fact that some retired Military Officers of the Cantonments Department are going to be recruited as civilian Executive Officers under the new scheme?

(b) If the answer to part (a) be in the affirmative, will Government state the number and names of these officers together with their qualifications, age, term of service and the pay that is proposed to be given to them?

Mr. G. R. F. Tottenham: (a) No.

(b) Does not arise.

INCREASE IN THE NUMBER OF INSPECTING OFFICERS OF CANTONMENTS IN THE COMMANDS.

442. ***Mr. K. M. Jedhe:** (a) Will Government be pleased to state whether it is a fact that the number of Inspecting Officers and Assistant Inspecting Officers of Cantonments in the Commands is going to be increased under the new scheme?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the number of such increased posts?

(c) Will Government be also pleased to state the system of recruitment of such officers?

(d) Will any Indian be appointed to any of these posts?

Mr. G. R. F. Tottenham: (a), (b) and (c). The question is still under consideration and no final decision has yet been made.

(d) Indians will be eligible for appointment.

INCREASE IN THE NUMBER OF MILITARY ESTATES OFFICERS.

443. ***Mr. K. M. Jedhe:** (a) Will Government be pleased to state the total number of Military Estates Officers at present functioning in India?

(b) Is it a fact that the number of such Military Estates Officers is going to be increased under the new organisation scheme?

(c) If the answer to part (b) be in the affirmative, what is the number proposed for management of Military Lands?

(d) Will there be any Indian appointed to such posts?

(e) Do Government propose to give an opportunity to the Legislative Assembly to discuss the financial aspect of the proposal?

Mr. G. R. F. Tottenham: (a) Ten.

(b) Yes.

(c) The question is still under consideration and no decision has yet been reached.

(d) Yes.

(e) It is always open to the Assembly to discuss the financial aspect of any proposal for which provision may be made in the budget.

INTRODUCTION OF THE SYSTEM OF NOMINATION INSTEAD OF ELECTION IN THE MUNICIPAL COUNCILS OF SUVA AND LEVUKA IN FIJI.

444. ***Mr. Sri Prakasa:** (a) Is it a fact that the Government of Fiji are taking over the Municipal Councils of Suva and Levuka and introducing the system of nomination instead of election?

(b) Are Government aware that the Indian voters and residents have presented a petition against this move to the Governor and the Legislative Council of Fiji stating that this will be detrimental to the interests of Indians settled there?

(c) Do Government propose to take steps to protect the political rights of Indians in Fiji in this behalf?

Sir Girja Shankar Bajpai: (a)—(c). The attention of the Honourable Member is invited to the reply given by me on the 12th September, 1935, to parts (d)—(g) of Mr. Mohan Lal Saksena's starred question No. 296.

CANTONMENTS AND CANTONMENT BOARDS IN INDIA.

445. ***Mr. Sri Prakasa:** (a) What is the number of Cantonments in India and the number of Cantonment Boards in 1925 and 1935?

(b) Is there a Board in the Nowgong Cantonment in Bundelkhand? If not, what is the cause of a Board not having been set up there?

(c) What is the population of the Nowgong Cantonment and the annual income derived from octroi and other sources by the Cantonment?

(d) Which is the authority that assesses taxes? If a committee, what is its strength and who appoints it?

(e) How much does the Cantonment spend on education and sanitation annually?

Mr. G. R. F. Tottenham: (a) The number of Cantonments in 1925 was 89 and in 1935, 83.

The number of Cantonment Boards in 1925 was 51 and in 1935, 44.

(b) to (e). A considerable portion of the Nowgong Cantonment was retroceded to the Chhattarpur Darbar on the 30th September, 1935, and the Cantonments Act ceased to apply to the station with effect from the same date.

REFUSAL OF PERMISSION TO HAWKERS OF FOOD-STUFFS AT STATIONS ON THE LUCKNOW-BENARES SECTION OF THE EAST INDIAN RAILWAY.

446. *Mr. Sri Prakasa: (a) Are Government aware that at the various stations on the East Indian Railway on the Lucknow-Benares section, even the licensed hawkers of food-stuffs like *puries* and vegetables are not permitted on the platform at the time when the Calcutta-Punjab Mail passes, in the interest of the restaurant car and the refreshment rooms?

(b) Are Government aware that this entails great hardship on such passengers as do not take food from refreshment rooms?

(c) Are Government prepared to issue instructions on the subject?

The Honourable Sir Muhammad Zafrullah Khan: (a) I understand that no such orders have been issued, and vendors have never been prohibited from coming on to the platform at mail or other train time.

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

COUNSEL ENGAGED TO DEFEND THE SOLDIERS AT JUBBULPORE.

447. *Mr. Sri Prakasa: (a) Is it true that Government engaged counsel to defend the soldiers accused of murder and other heinous crimes at Jubbulpore, in the original and appellate courts?

(b) Will the cost of the defence be borne by the soldiers themselves or will it fall on the taxpayer? If the latter, how much have Government set apart for the purpose?

(c) Are Government paying the expenses of the defence on the ground that the soldiers are too poor to meet them themselves and on application by them in this behalf, or is it a policy of Government to meet all expenditure on the defence of their servants when put on trial for alleged crime of even the most brutal sort?

Mr. G. R. F. Tottenham: (a) Yes.

(b) The cost, amounting in all to Rs. 3,730, will fall on the tax-payer.

(c) Government have empowered the military authorities to appoint a pleader, advocate or barrister for the defence of British or Indian soldiers charged with criminal offences before Civil Courts.

FORFEITURE OF THE PASSPORT OF MR. MASANI.

448. *Mr. Sri Prakasa: (a) Are Government aware that the Secretary of State for India stated in the House of Commons sometime back that the passport of Mr. M. R. Masani was forfeited because of a speech of his delivered in Bombay in reply to a proposal of Mahatma Gandhi at the Bombay Congress in 1934, in which he advocated violence?

(b) Will Government lay a copy of that speech on the table?

(c) If no such speech was delivered, are Government prepared to inform the Secretary of State for India that it is not proper to make incorrect and unwarranted statements like this?

The Honourable Sir Henry Craik: (a) No such statement was made by the Secretary of State for India. In reply to a question in the House of Commons, last July, the Under Secretary of State explained that the passport was impounded and renewal was refused at the request of the Government of India who considered that Mr. Masani's activities in India were such as to make it undesirable that he should be in the possession of a passport for travel abroad.

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

CONDEMNATION OF THE DUFFERIN BRIDGE OVER THE GANGES AT BENARES.

449. *Mr. Sri Prakasa: (a) Is it a fact that the Dufferin Bridge over the Ganga at Benares has been condemned as unreliable? If so, what are the intentions of Government regarding that bridge?

(b) Do Government intend to build another bridge for railway traffic?

(c) Was a Committee appointed by the United Provinces Government in 1926 to report about the bridge? If so, what were its conclusions and what action has been taken on them?

The Honourable Sir Muhammad Zafrullah Khan: (a) No. Proposals have been under consideration to strengthen the bridge in order to permit heavy modern trains to cross it at unrestricted speed. It has been decided to postpone this till the financial situation improves.

(b) No.

(c) Government have no information.

AMALGAMATION OF THE BENARES CANTONMENT AND KASHI RAILWAY STATIONS.

450. *Mr. Sri Prakasa: Are Government considering the feasibility and desirability of amalgamating Benares Cantonment and Kashi Railway Stations and constructing a new railway station? If so, by what time is the work likely to be taken in hand?

The Honourable Sir Muhammad Zafrullah Khan: No. The second part of the question does not arise.

ACCOMMODATION FOR SOLDIERS AND ORDINARY PASSENGERS IN LOWER CLASSES ON THE RAILWAYS.

451. *Mr. Sri Prakasa: (a) Are Government aware that many intermediate and third class compartments on the Indian Railways are marked as having carrying capacity for twice as many ordinary passengers as soldiers?

(b) On what principle are the soldiers given more accommodation than ordinary passengers?

The Honourable Sir Muhammad Zafrullah Khan: (a) No. All fines levied are credited to the Government.

(b) The reply to the first part is in the negative and to the second part in the affirmative.

(c) No.

(d) and (e). The appointment of Honorary Magistrates rests entirely with the Local Governments and they are in the ordinary course subordinate to their respective District Magistrates.

COST OF EACH QUESTION ASKED IN THE LEGISLATIVE ASSEMBLY.

454. ***Dr. Ziauddin Ahmad:** Has the Finance Department calculated the amount which the tax-payers in India pay for each question asked by the Members of the Legislative Assembly?

The Honourable Sir James Grigg: I have seen various estimates ranging from Rs. 75 to Rs. 200 but none of these was an official calculation and I do not think that it is worth while trying to make an official estimate. I am, however, clear that it would conduce to economy as well as to comfort if Honourable Members could find it possible to restrict their curiosity to matters of real public interest.

RECRUITMENT FOR THE WOMEN'S MEDICAL SERVICE.

455. ***Dr. T. S. S. Rajan:** (a) Will Government be pleased to state the method of recruitment for the Women's Indian Medical Service?

(b) Was the method adopted this year when the selection was made?

(c) How many were selected and how many were Indians, Anglo-Indians and Europeans?

(d) What are their respective qualifications?

(e) Are scholarships awarded to the selected candidates to proceed to England for further studies? If so, for how long and what is the amount of scholarship they receive?

(f) Is there any condition attached to the receipt of the scholarship and for their subsequent period of service?

(g) Is a spinster's life a condition to the scholarship and subsequent service?

(h) Will Government be pleased to state the reasons for such a condition if it exists?

(i) Will Government be pleased to state the reasons why recruitment for the Women's Indian Medical Service is not made through the Public Service Commission?

(j) What objections do Government have for not having a competitive examination for the Women's Indian Medical Service in this country from among the women medical graduates?

Sir Girja Shankar Bajpai: (a) I would refer the Honourable Member to the answer given by me to part (a) of Dr. Khare's question No. 1312 on the 1st April, 1935.

(b) There has been no change in the method of recruitment.

(c) and (d). A statement giving the information is laid on the table.

(e) A scholarship of £200 tenable for one year is awarded to a member of the Training Reserve who may be selected for the service.

(f) Certain conditions are attached.

(g) No. A scholarship holder, if not already married, may not marry during the period of the scholarship.

(h) Does not arise.

(i) Because the Women's Medical Service is not a Government service.

(j) Government understand that the existing system of recruitment is adequate.

Statement.

Persons selected in 1935 for admission to the Women's Medical Service from the Training Reserve:

(1) Dr. Reuben, M.B.B.S. (Punjab), F.R.C.S. (Edin.),—(Indian).

(2) Dr. Alankaram, M.B.B.S. (Madras), M.R.C.S. (Eng.), L.R.C.P. (London),—(Indian).

(3) Dr. Street, M.B.B.S. (Punjab), M.R.C.S. (Eng.), L.R.C.P. (London)—(European).

Dr. T. S. S. Rajan: Are not Government scholarship-holders permitted to marry after they finish their period of training?

Sir Girja Shankar Bajpai: Sir, they are not Government scholarship-holders, they are holders of scholarships given by the Countess of Dufferin Fund. After completing their period of studies, they can marry.

Mr. S. Satyamurti: What is the answer to clause (d) of the question, Sir?

Sir Girja Shankar Bajpai: I have stated that a statement giving the information is laid on the table.

Mr. S. Satyamurti: Are they uniform?

Sir Girja Shankar Bajpai: They are equally good.

Mr. N. M. Joshi: May I ask the Honourable Member to read out that statement if it is not a very long one?

Sir Girja Shankar Bajpai: I can read it out now:

"1. Dr. Reuben, M.B.B.S. (Punjab), F.R.C.S. (Edin.),—(Indian).

2. Dr. Alankaram, M.B.B.S. (Madras), M.R.C.S. (Eng.), L.R.C.P. (London),—(Indian).

3. Dr. Street, M.B.B.S. (Punjab), M.R.C.S. (Eng.), L.R.C.P. (London)—(European)."

Mr. S. Satyamurti: What is the answer to part (j)? What are the reasons for not holding a competitive examination?

(c) Are Government prepared to ask the Railway authorities to equalize the position of soldiers and ordinary passengers so far as accommodation is concerned?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes, such marking is provided to simplify the entrainment of troops when carriages normally used for public traffic are employed for the movement of troops.

(b) More accommodation is provided for soldiers to accommodate their kit.

(c) In view of the explanation given in reply to part (b) Government see no reason to alter the position in regard to ordinary passengers.

RESERVATION OF VACANCIES FOR ANGLO-INDIANS IN THE CUSTOM HOUSES.

452. ***Mr. V. V. Giri:** Will Government be pleased to state whether it is a fact that the Government of India have decided that one half of the total number of vacancies filled by direct recruitment in the Preventive Department of each Custom House should be reserved for Anglo-Indians?

Mr. A. H. Lloyd: The Government of India have decided that one half of the total number of vacancies filled by direct recruitment in the Preventive Department of each Custom House (excluding Assistant Preventive Officers, Wharfingers and Assistant Wharfingers) should be reserved for Anglo-Indians and Europeans domiciled in India.

Mr. T. S. Avinashilingam Chettiar: What is the reason for that reservation?

Mr. A. H. Lloyd: That decision rests upon the decision of the Government of India embodied in the Home Department Resolution No. F-14/17-B./33, dated the 4th July, 1934, in which the subject will be found dealt with in sub-paragraph (3) of paragraph 9.

Mr. Lalchand Navalrai: Is that discrimination made because there are no Indians available?

Mr. A. H. Lloyd: No, Sir.

Mr. Lalchand Navalrai: What is the cause?

Mr. A. H. Lloyd: I would suggest that the Honourable Member should refer to the Home Department Resolution, dated the 4th July, 1934.

Mr. Lalchand Navalrai: Will the Honourable Member give me the purport of that Resolution, so that I may put further questions?

Mr. President (The Honourable Sir Abdur Rahim): It would perhaps be better if the Honourable Member reads that Resolution.

Mr. Lalchand Navalrai: I only want a general purport which will help me to put another question.

Mr. President (The Honourable Sir Abdur Rahim): It would perhaps be much better that the Honourable Member should read the whole thing.

Mr. Lalchand Navalrai: In that case, I should like to put another question.

Mr. T. S. Avinashilingam Chettiar: May I know if we can put supplementary questions after reading that Resolution tomorrow?

Mr. President (The Honourable Sir Abdur Rahim): The Chair will consider that. It does not necessarily follow that whenever any statement is laid on the table, an Honourable Member is entitled to put a supplementary question on that. Of course a separate question may be put afterwards, after due notice has been given in the ordinary way.

Mr. Lalchand Navalrai: May I make a request? In cases we are being referred to any former Resolution, it should be placed on the previous day so that we may be able to know that. That is the procedure in the Provincial Councils.

Mr. A. H. Lloyd: This reference to the Home Department Resolution was made in reply to a supplementary question, Sir,—not in reply to the original question.

Mr. President (The Honourable Sir Abdur Rahim): Yes. Perhaps Government will consider whether, in the case of any statements to be laid on the table, that statement could not be laid the day previous, so that Honourable Members may have an opportunity of asking questions on it.

Mr. T. S. Avinashilingam Chettiar: We must know of the statement being laid on the table, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The Chair thinks whatever is feasible ought to be done in that direction.

HONORARY MAGISTRATES ON THE EAST INDIAN RAILWAY.

453. ***Dr. Ziauddin Ahmad:** (a) Is it a fact that the Railway administration in the East Indian Railway pays one quarter of the fine levied by the Railway Honorary Magistrates to the Honorary Magistrates themselves?

(b) Is it a fact that the said Honorary Magistrates are also asked to check tickets at the Railway Stations and on the running trains and are given first class passes?

(c) Is it a fact that the Honorary Magistrates are also given free quarters?

(d) Are the Members of the Legislative Assembly eligible for appointment as Honorary Magistrates on the condition that they may be permitted to keep half the fine they levy on the passengers?

(e) If the answers to preceding parts be in the affirmative, is the Railway Administration prepared to stop the appointment of its own Magistrates and administer Railway Acts through the judiciary of the country?

Sir Girja Shankar Bajpai: I have already stated that the Committee find that the present system is quite adequate.

EMPLOYMENT OF THE "DUFFERIN" CADETS AS OFFICERS.

456. ***Mr. M. Asaf Ali:** (a) Are Government aware that eight cadets of the Training Ship "Dufferin", who have obtained their certificates of competency are now without employment and that employment will have to be found for 27 more cadets who are likely to obtain their certificates of competency early in 1936?

(b) Will Government be pleased to state whether they have received any representation from the Members of the Governing Body of the Training Ship "Dufferin" on the subject of employment and are they aware that the question of the future employment of the cadets of that ship "Dufferin" as officers has been causing them serious anxiety?

(c) Are Government aware that while the Peninsular and Oriental Company have refused to employ duly qualified cadets of the Training Ship "Dufferin" as Officers on their boats, the B. I. with their very large number of steamers have employed only four cadets as officers and have given the Governing Body to understand that they would not be able to take in future duly qualified cadets as officers on their steamers according to their previous undertaking?

(d) Are Government aware that the Asiatic, the Moghul and the Nourse Lines have not employed and do not propose to employ duly qualified cadets of the Training Ship "Dufferin" as officers despite the undertaking given by them?

(e) If the answer to parts (a), (b), (c) or (d) be in the affirmative, will Government be pleased to state whether they are prepared to attach conditions as regards the training and the employment of Indians as apprentices and officers on board the steamers of the companies which have been getting annual subsidies for the carriage of mails according to the assurance given by Government in reply to question No. 1201 put in the Legislative Assembly on the 23rd March, 1935?

(f) If the answer to part (e) be in the affirmative, will Government be pleased to state what steps they propose to take to attach such conditions as regards the training and employment of Indians as apprentices and officers in connection with annual subsidies that have been given to the B. I., the Peninsular and Oriental and other Companies for the carriage of mails?

The Honourable Sir Muhammad Zafrullah Khan: (a) I may explain that boys take their examinations for Certificates of Competency in various parts of the world and at different times and considering the casual nature of their employment, statistics necessarily differ from day to day. It is thus possible to give approximate figures only. So far as Government are aware, the position towards the end of 1935 was that 44 *ex-Dufferin* cadets had obtained their Certificates of Competency as 2nd Mates, of whom 42 had found employment in the Merchant Service, in posts connected with the sea (e.g., Bengal Pilot Service, Port Trusts) or in other non-mercantile marine posts (e.g., Royal Air Force, Flying Clubs), thus leaving two certificated *ex-cadets* without employment. The number of *ex-cadets* who were likely to obtain their Certificates early this year was 28.

(b) Yes.

(c) Yes, but I might mention that of the four *ex-cadets* employed as officers by the British India Steam Navigation Company one has since joined the Bengal Pilot Service. Government are not aware that any communication of the nature referred to has been received by the Governing Body from the British India Steam Navigation Company.

(d) As regards the employment of *ex-Dufferin* cadets by the Asiatic Steam Navigation Company, I would refer the Honourable Member to the reply given by me on the 4th February, 1936, to parts (c) and (d) of Pandit Kriabha Kant Malaviya's starred question No. 8. With regard to the Mogul and the Nourse Lines, they have not so far employed any *ex-Dufferin* cadets. Government are not aware that these companies have expressed any intention not to employ qualified cadets of the "Dufferin".

(e) and (f). No firms are getting annual subsidies, but I assume that the Honourable Member is referring to those firms that receive under contracts (which are not annual) payments for the carriage of mails. If so, the answer is that the question will be considered when the contracts expire. I may add that the Government of India have made no contract with the Peninsular and Oriental Company.

Sir Muhammad Yakub: Has the attention of the Government of India been drawn to a letter addressed by Mr. Master in reply to Mr. Dow's letter to the Governing Body of the "Dufferin" and, if so, may I know if Government have taken any action on the points raised in that letter?

The Honourable Sir Muhammad Zafrullah Khan: I shall want notice of that question.

Mr. T. S. Avinashilingam Chettiar: When is the next renewal of contract for the mails?

The Honourable Sir Muhammad Zafrullah Khan: I cannot say. The Honourable Member should ask my Honourable colleague in the Industries and Labour Department.

Mr. T. S. Avinashilingam Chettiar: For how many years has it been renewed last?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member must ask the Honourable Member for Industries and Labour.

Mr. T. S. Avinashilingam Chettiar: May I ask the Honourable Member for Industries and Labour as to when the contract for mail will be renewed?

The Honourable Sir Frank Noyce: To which contract is the Honourable Member referring?

Mr. T. S. Avinashilingam Chettiar: To the contract with the Peninsular and Oriental Company?

5. Mr. Rahimatullah.—Can read and write Urdu. No apprenticeship. No Home or outside experience. His trade is that of a Blacksmith.
6. Mr. Narbad.—Studied up to 3rd class. No apprenticeship. No Home or outside experience of a responsible nature. Reached Chargeman's grade by virtue of long service.
7. Mr. I. S. Saha.—Passed S. E. C. Examination. Completed 3 years' course in Mechanical Engineering at P. M. V. College, Brinabari, and obtained diploma. Holds 2nd class Engineers Competency Certificate under the Boiler Inspection Act and is a member of the Institute of Production Engineers and Fellow of Royal Society of Arts. No apprenticeship. No Home experience. His service has been entirely in Drawing Office.
8. Mr. S. B. Chatterjee.—Matriculate. Completed apprenticeship in Gun Carriage Factory in Fitters and Erectors in 1925. No Home or outside experience. Was considered for the appointment under reference but was not as well qualified practically nor had the shop experience possessed by Mr. Baggett.
9. Mr. M. N. Lahiri.—Matriculate and passed a Mechanical Engineering Examination. Possesses 1st class Certificate of Competency under Indian Boiler Act. No Home experience. Has been employed during his entire service on the steam raising side of the Factory.

Note.—The appointment for which Mr. Baggett was selected was a specialised appointment in the Machine Shop.

Mr. Ghanshiam Singh Gupta: What was the practical training that was wanted in the nine Indians who were superseded?

Mr. G. R. F. Tottenham: The actual appointment in this case was a special appointment in the machine shop which required a particular knowledge of a particular branch of mechanical engineering.

Mr. Lalchand Navalrai: Were they heard before they were superseded?

Mr. G. R. F. Tottenham: They were not heard, because their qualifications were well known from their records.

Mr. Lalchand Navalrai: Is it the policy of the Government to condemn a man unheard?

Mr. G. R. F. Tottenham: There was no question of hearing a man. It was a matter for the authorities to decide who was the best qualified for the post.

Pandit Lakshmi Kanta Maitra: Were not these men in possession of special qualification?

Mr. G. R. F. Tottenham: Several of the men who were passed over were specialists in other departments; for instance, one had specialised in electric work, and he would have been unfit for this particular appointment; another had specialised in drawing work, which was of no use to this appointment; others were chargemen who had been promoted for long and faithful service and whose educational qualifications were insufficient for this special post.

Mr. Ghanshiam Singh Gupta: What are the educational qualifications of Mr. Baggett?

Mr. G. R. F. Tottenham: Notice.

Mr. T. S. Avinashilingam Chettiar: With reference to part (d), will Government consider the advisability of formulating uniform rules both for Europeans and Indians?

Mr. G. R. F. Tottenham: When the apprentice scheme on which this measure of Indianisation is based has proceeded further, no doubt the rules may be revised; but the apprentice scheme has only been going for a limited number of years, and we have not yet got a sufficient supply from that source.

Mr. T. S. Avinashilingam Chettiar: In how many years does the Honourable Member expect to get a sufficient supply?

Mr. G. R. F. Tottenham: I cannot say exactly.

LOCAL GOVERNMENTS CONSULTED IN RESPECT OF THE CRIMINAL LAW AMENDMENT ACT CERTIFIED BY THE GOVERNOR GENERAL.

460. ***Mr. S. Satyamurti:** Will Government be pleased to state:

(a) whether the Local Governments were consulted in respect of the Criminal Law Amendment Act, certified by the Governor General during the Simla Session;

(b) what their opinions were; and

(c) whether all Local Governments supported the Bill, and, in doing so, whether they consulted, or forwarded the opinions of the Ministers in charge of the Transferred subjects, and, if so, what their opinions were?

The Honourable Sir Henry Craik: (a) Yes.

(b) Local Governments were in favour of the Bill.

(c) Government have no information, and in the public interest are not prepared to obtain and give the information asked for.

Mr. S. Satyamurti: When Local Governments give their opinion, do they give the opinion only of the Governor's Executive Council, or of the Local Governments as a whole?

The Honourable Sir Henry Craik: The Local Government as a whole, that is the Governor in Council.

Mr. S. Satyamurti: That is to say, including the Ministers also.

The Honourable Sir Henry Craik: I have no information as to the consultation with Ministers. The Government for this purpose, being a Reserved subject, is the Governor in Council.

The Honourable Sir Muhammad Zafrullah Khan: I have already said that the Government of India have made no contract with the Peninsular and Oriental Company.

NEGOTIATIONS IN REGARD TO THE DEVELOPMENT OF THE TUNGABHADRA PROJECT.

457. *Prof. N. G. Ranga: (a) Will Government be pleased to state at what stage are the negotiations which are supposed to be carried on between the Government of India and Governments of Bombay, His Exalted Highness the Nizam of Hyderabad and His Highness the Maharaja of Mysore, in regard to the development of the Tungabhadra project?

(b) When the tribunal to decide upon the respective shares of the Governments interested in the waters of the Tungabhadra, is likely to be appointed?

The Honourable Sir Frank Noyce: The attention of the Honourable Member is invited to the reply given to Mr. Ananthasayanam Ayyangar's starred question No. 307 on the 12th February, 1936.

Prof. N. G. Ranga: It is more than a year since the Madras Government asked for the appointment of a tribunal. Will the Government of India consider the advisability of expediting the matter of appointing a tribunal?

The Honourable Sir Frank Noyce: I am quite prepared to read the reply I gave to Mr. Ananthasayanam Ayyangar the other day, as my Honourable friend was not here then:

"The Government of India have suggested to the Governments of Mysore, Bombay, Madras and Hyderabad that a Court of Arbitration should be appointed. Their replies are under examination. I am not yet in a position to say whether a Court of Arbitration will be appointed or when it will meet. The terms of reference which have been put tentatively to the Governments concerned, will require very careful consideration."

I may add for the information of my Honourable friend that the reply from the Government of Hyderabad was only received two or three weeks ago.

SALE OF POSTAL STAMPS TO RAILWAY PASSENGERS.

458. *Prof. N. G. Ranga: (a) Are Government aware of the fact that Railway passengers are unable to get postal stamps from the Railway Mail Service offices, when they are kept open, that the Railway Mail Service officials refuse to sell them before 2 P.M., and that this refusal to sell stamps even when the offices are kept open causes much inconvenience to Railway passengers?

(b) If the answer to part (a) be in the affirmative, are Government prepared to see that orders are issued to the Railway Mail Service office to sell stamps to Railway passengers at all office hours?

The Honourable Sir Frank Noyce: (a) Government are aware that Railway passengers cannot purchase postage stamps from Railway Mail Service offices at all hours of the day and night when the offices are open,

but it is not correct to say that Railway Mail Service officials refuse to sell stamps before 2 P.M. Under departmental orders they are required to sell stamps to the public only at specified hours which are fixed to suit local requirements consistently with the number of staff and the exigencies of work.

(b) Heads of Circles are already empowered to arrange for the sale of stamps at Railway Mail Service offices at suitable hours, consistently with the needs of sorting and mail work in such offices. The Director-General is, however, issuing orders to them to examine the matter again and to extend the sale of postage stamps to the maximum number of hours practicable.

Mr. Lalchand Navalrai: May I know if the sale of stamps takes place in all the mail services?

The Honourable Sir Frank Noyce: As far as I know.

INDIANISATION IN THE ORDNANCE FACTORIES.

459. *Mr. Ghansham Singh Gupta: (a) What are the rules or principles guiding appointment and promotion to the permanent non-gazetted establishment in the Indian Ordnance Factories, with respect to Indians and non-Indians appointed by the Government of India?

(b) Is there any scheme of Indianisation in this branch? If so, how is the scheme being worked or is it progressing?

(c) Is any preferential treatment or facility given to Indians over non-Indians with a view to speed up Indianisation, and if so, what?

(d) Is it a fact that Indians have to pass written and practical tests before confirmation and that non-Indians have not got to do so?

(e) Is it a fact that in the Gun Carriage Factory, Jubbulpore, one Mr. W. F. Baggett has been confirmed as an Assistant Foreman without any test?

(f) Is it a fact that he has superseded many Indians senior in service and possessing better qualifications? If so, will Government kindly mention their names?

(g) If the answer to part (f) be in the negative, will Government kindly state the qualifications of Mr. Baggett and of those that are superseded by him?

Mr. G. B. F. Tottenham: (a), (b) and (c). I lay on the table a copy of the rules. It will be seen that their underlying purpose is to encourage Indianisation, and that preference is to be given to ex-factory trained apprentices.

(d) Under existing rules such tests are applicable to all men of Asiatic domicile. They do not apply to men of non-Asiatic domicile who have invariably had special training and qualifications before appointment.

(e) Under the rules Mr. Baggett was not subject to the tests specified. He was, however, only confirmed as Assistant Foreman after a period of trial during which he officiated in that grade.

(f) He superseded nine Indians (and also two Europeans) who were senior to him in service. None of the nine, however, possessed the necessary practical qualifications for the post to which he was appointed. I lay on the table a list of their names and qualifications.

(g) Mr. Baggett served a full apprenticeship in England and had a sound training there as a mechanical engineer. He also has nine years' experience of industrial conditions in this country.

Rules for appointment and promotion in the non-gazetted ranks of Indian Ordnance and Clothing Factories.

The permanent establishment in the non-gazetted ranks of the Indian Ordnance and Clothing Factories is recruited from the following sources:

- (1) Persons of non-Asiatic domicile recruited through the High Commissioner by selection from the United Kingdom.
- (2) Persons of Asiatic or non-Asiatic domicile appointed in India by the Government of India.
- (3) Promotion by selection from the temporary establishments of the Indian Ordnance and Clothing Factories.

2. With regard to (1) recruitment from the United Kingdom is restricted to the grades of Assistant Foreman and Foreman to an extent which is limited by the inability to recruit in India personnel with the requisite technical qualifications.

With regard to (2) recruitment in India is ordinarily made through the agency of the Public Service Commission, but may, under special circumstances, be made direct. Special circumstances include appointments by selection of Ordnance and Clothing Factories ex-apprentices.

With regard to (3) promotion to the post of Chargeman has in the past been considered the highest promotion to which all but most exceptional Indian trained employees can aspire. Such promotion has been given by way of reward for long, faithful and technically skilled service without stress being laid on educational qualifications.

3. With a view to pursuing with certain steps the policy of Indianization, it is necessary to lay down clear and well defined rules to govern both selection and appointment of men of Asiatic domicile who will be not only qualified to take employment as Chargeman or Assistant Foreman but who will be likely also further to qualify for promotion to the next higher grade.

4. The following considerations, subject to the proviso in paragraph 5 below, will guide in the first place recommendations for any appointment of men of Asiatic domicile to the permanent non-gazetted establishment of the Indian Ordnance and Clothing Factories:

- (1) The individual must have a good educational record, both general and technical, but no exceptional achievement will be required.
- (2) The individual must display all round intelligence, a natural aptitude for shop work, good habits, and good health.
- (3) The individual must possess tact and some force of personality.

Note.—“Good educational record, both general and technical” implies an education at least equivalent to that laid down for apprentices.

5. Appointments will be filled by recruitment preferably in the following order of merit:

- (1) Qualified ex-apprentices of Ordnance and Clothing Factories;
- (2) Senior Supervisors on the temporary establishment, other than ex-apprentices of Ordnance and Clothing Factories;
- (3) Outside recruitment in India;

Subject to the following proviso:

Up to, but not including the year 1940, an Indian trained employee holding an appointment as senior supervisor may if he has had long, faithful and technically skilled service and is specially recommended by the Superintendent and if he is of such an age that he would normally retire before any question of further promotion is likely to arise, be promoted to Chargeman without undue stress being laid on his lack of educational qualifications.

6. With the exception of promotion under proviso in paragraph 5, no individual will be confirmed in an appointment in any grade in the permanent non-gazetted establishment unless, or until, he has passed written and practical tests, approved by authority, relating to:

- (a) Workshop production.
- (b) The particular trade of the appointment.
- (c) Testing and inspection.

A probationary period of 1 year will if necessary be allowed during which the tests must be passed.

7. The conditions under which direct recruitment on probation from Mechanical Engineering ex-apprentices of Ordnance and Clothing Factories may be made, are:

- | | |
|--|---|
| (i) For appointment as Chargeman | Minimum shop experience (preferably Home) of two years, subsequent to the completion of his apprenticeship training, plus supervising experience. |
| (ii) For appointment as Assistant Foreman. | Minimum shop experience (preferably Home) of 5 years, subsequent to the completion of his apprenticeship training, plus supervising experience. |

8. The conditions under which direct recruitment on probation from Ordnance and Clothing Factories ex-apprentices, other than Mechanical Engineering, may be made will be governed by the considerations given in paragraph 4 above, subject to specific trade qualifications required for the appointment being satisfied.

Direct recruitment under these conditions will not be made for appointments of higher grade than that of Chargeman.

9. The conditions under which outside recruitment may be made will, in the case of recruitment through the Public Service Commission, be governed by the conditions prescribed by Government, and in other cases by the considerations given in paragraph 4 above, subject in both cases to specific trade qualifications required for the appointment being satisfied.

Statement.

1. Mr. Ragghoo Ram.—Studied English up to 5th Standard. No apprenticeship. No Home or outside experience. Reached Chargeman's grade by virtue of long service.
2. Mr. Dharam Singh.—Matriculate. Possesses 2nd class Certificate of Competency under Indian Boiler Act. No apprenticeship. His entire service has been on the Maintenance side of the Factory.
3. Mr. Guleb Chand.—Matriculate. Possesses Certificate of Proficiency in Electrical Engineering I. C. Schools Generator and Motor Design course. No apprenticeship. No Home or outside experience. Essentially specialised on Electrical work.
4. Mr. Kanhia Lal.—Studied up to 4th Standard. No apprenticeship. No Home or outside experience. Reached Chargeman's grade by virtue of long service.

The Honourable Sir Henry Craik: That I explained in reply to the Honourable Member's question on the 16th September last.

Mr. S. Satyamurti: What are the main categories of duties he is now actually discharging?

The Honourable Sir Henry Craik: That is contained in the previous answer which I gave.

Mr. S. Satyamurti: May I know what is the answer to clause (c)? My Honourable friend said he cannot understand the question. I cannot understand his difficulty; it is a simple straightforward question.

The Honourable Sir Henry Craik: The gentleman in question is Secretary to the Executive Council of the Governor General.

Mr. S. Satyamurti: Has he anything to do with the Governor General?

The Honourable Sir Henry Craik: He is also the Governor General's Private Secretary, and that is a perfectly distinct capacity. He is holding two offices, one being a personal appointment under the Governor General and the other being Secretary to the Executive Council.

Mr. S. Satyamurti: Is it possible for him to reconcile these two duties?

The Honourable Sir Henry Craik: Yes, Sir.

POST OF LABOUR SUPERVISOR ON THE EAST INDIAN RAILWAY.

462. ***Dr. N. B. Khare:** Is it a fact that a post of Labour Supervisor on the Railways is in existence? If so, will Government please state:

(a) whether it is a fact that the office of the said Labour Supervisor is located under the stairs near the European Refreshment Rooms at Howrah Station on the East Indian Railway, with an indication board "Labour Office";

(b) whether it is a fact that the said Labour Supervisor is often seen attending arrival and departure of every train from Howrah Station on the East Indian Railway with a white band around his head engraved "Labour Supervisor" in black;

(c) whether it is a fact that the duties of a Labour Supervisor on Railways are to see the working of the Hours of Employment Rules;

(d) whether they are aware that whenever any complaint against the working of Hours of Employment Rules is made to the Labour Supervisor at Howrah Station on the East Indian Railway, it remains unattended to and no investigation whatsoever is made by him;

(e) on what stations on the East Indian Railways similar Labour Supervisors are posted;

(f) on what salary and conditions of service the Labour Supervisors are engaged;

(g) whether the Labour Supervisors control the working and discipline amongst coolies, and if so, why they are designated as Labour Supervisors instead of cooly jamadars or Inspector or Supervisor; and

(h) whether it is a fact that Government informed this House that they think that the word "Cooly" is the appropriate word and they are not prepared to change it into "Labour" or "worker"; and if so, why and under whose orders these Supervisors under a contractor are allowed to exhibit the word "Labour" on their heads; and

(i) whether Government propose to order the removal of the word "Labour" from the heads of Labour Supervisors, and if not, why not?

The Honourable Sir Muhammad Zafarullah Khan: As regards the first part of the question there is a post of Supervisor of Railway Labour to look after the working of the Hours of Employment Regulations on those railways on which these regulations have been given statutory effect. With regard to the latter, the reply is as follows:

(a) No. The office to which the Honourable Member is referring is not that of the Supervisor of Railway Labour but of another official who is employed by a coolie contractor for the purpose of exercising supervision over the coolies and also to see that the travelling public are properly served.

(b) Yes. The Labour Supervisor attends trains at the Howrah Station.

(c) No. The Honourable Member is evidently confusing this Labour Supervisor with the Supervisor of Railway Labour whose duties are to look after the working of the Hours of Employment Regulations on the railways on which these regulations have been given statutory effect and who is assisted in the execution of these duties by Inspectors of Railway Labour. None of the latter officials are located at Howrah Station.

(d), (e) and (f). Government have no information as the Labour Supervisors to which the Honourable Member refers are not Government servants.

(g) As regards the first part of the question the reply is in the affirmative. As regards the latter part the Labour Supervisors to which the Honourable Member refers are contractors' employees and the Railway Administration has no concern with their designation or other conditions of service.

(h) The answer to the first part is in the affirmative and as regards the latter part I would invite the Honourable Member's attention to my reply to part (g) of the question.

(i) Government do not consider their intervention is called for.

DETENTION OF THE 8-DOWN HOWRAH-DELHI EXPRESS AT CAWNPORE ON THE 7TH DECEMBER, 1935.

463. *Dr. N. B. Khare: Is it a fact that a detention of considerable amount was caused on the 7th December, 1935, to 8 Down Delhi-Howrah Express train at Cawnpore? If so, will Government please state:

- (a) the cause and the period of detention;
- (b) whether the passengers were put to inconvenience through the said detention;
- (c) whether it is a fact that this detention was caused by a Railway Engineer, holding a pass to travel from Cawnpore to Howrah;
- (d) whether the said Engineer belongs to European or Anglo-Indian community;
- (e) whether the said Engineer was accompanied by a lady of his own community;
- (f) whether the said Engineer and the said lady travelled throughout in a "First Class" compartment reserved for "Ladies";
- (g) whether the said compartment was stencilled with the word "Ladies";
- (h) whether Gents are entitled to travel in a compartment reserved for exclusive use of ladies;
- (i) under what authority the said Engineer travelled in a compartment reserved for exclusive use of ladies;
- (j) whether it is a fact that other lady passengers *en route* could not entrain the compartment in presence of a gent travelling therein;
- (k) whether the Railway Administration prosecuted the said railway servant under section 109 of the Indian Railways Act, 1890, and if not, why not; and
- (l) whether the Governor General in Council now proposes to order the prosecution of the said railway servant and the Agent, and if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) The train was detained for seven minutes owing to the difficulty of finding accommodation in a crowded train for two first class passengers.

- (b) No.
- (c) Yes. The Engineer was travelling from Cawnpore to Dhanbad.
- (d) European.
- (e) Yes, by his wife.
- (f) and (g). Yes.
- (h) No.
- (i) and (j). The Agent, East Indian Railway, states that the Engineer had previously asked for endeavours to be made to accommodate him and his wife by this train and on arrival at the station he was shown a coupé compartment marked for ladies as the only accommodation available on the train. One of the station staff thought that there was no objection to the Engineer accompanying his wife in this compartment and he agreed to

do so on the understanding that he would vacate it if any other lady had to be accommodated. At no time throughout the journey did any lady passenger require accommodation.

(k) and (l). No. This was not considered necessary as departmental action could be taken.

ALLEGED RACIAL DISCRIMINATION IN THE MATTER OF REFRESHMENT ROOMS AT THE HOWRAH STATION.

464. *Dr. N. B. Khare: (a) Is it a fact that at Howrah Station on the East Indian Railway Refreshment Rooms are provided for each community?

(b) Is it a fact that the European Refreshment Room is next to the Upper Class Waiting Rooms?

(c) Is it a fact that the Supervising Staff (Station Superintendent, Deputy Station Superintendent, Platform Assistant Station Masters, Head Ticket Collector, Luggage and Parcel Supervisors, Station Sergeants, etc., etc.) are all European *cum* Anglo-Indians?

(d) If the replies to parts (a) to (c) be in the affirmative, will Government please state:

- (i) whether it is a fact that the Indian Refreshment Rooms are not permitted to serve the Indian gentry with morning teas, whereas the European Refreshment Room is only permitted the service; and if so, what the reasons for this discrimination are;
- (ii) whether they are prepared to lay the agreements of each Refreshment Room on the table of this House;
- (iii) whether it is a fact that there is a picket gate near the cash office at Howrah Station, the key of which is in exclusive possession of the Manager of the European Refreshment Room, and if so, why and under whose order;
- (iv) whether they are aware that the privileges of key involve illicit sale and traffic which is shared by the Supervising Staff; and
- (v) whether Government propose to take action against these abuses and racial discrimination; and if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) The first and second class refreshment rooms at Howrah are open to all communities. In addition, there are separate refreshment rooms for Hindus and Muhammadans.

(b) The refreshment rooms adjacent to the upper class waiting rooms are for upper class passengers.

(c). Yes.

(d), (i). No.

(ii) I am placing in the Library of the House a copy of the agreements which are somewhat lengthy.

Mr. S. Satyamurti: May I take it, therefore, that, in obtaining the opinions of Local Governments, the Government of India follow the principle that, with regard to the reserved subjects they get only the opinion of the Governor in Council, that is the Governor and the Executive Council only, and with regard to the transferred subjects, they get the opinion of the Governor acting with the Ministers, and the Executive Council?

The Honourable Sir Henry Craik: I cannot say whether this is the uniform rule. But the Honourable Member will see from the Act that in regard to Reserved Subjects, the Local Government is the Governor in Council, and in regard to transferred subjects, the Local Government is the Governor acting with his Ministers. That is the correct constitutional position.

Mr. S. Satyamurti: That is an obvious thing. But I am asking, Mr. President, whether, in obtaining the opinions of Local Governments, Government observe that distinction, that is to say, obtaining the opinions only of the reserved half in regard to reserved subjects and obtaining the opinions only of the transferred half in regard to transferred subjects; that is to say, when they ask for the opinions of Local Governments as a whole.

The Honourable Sir Henry Craik: Government follow the spirit and the letter of the constitution.

Mr. S. Satyamurti: I want to know what is the letter and the spirit, which they followed in this respect.

Mr. President (The Honourable Sir Abdur Rahim): The answer appears to be quite clear. Government means the Governor and the Executive Councillors, in regard to a reserved subject.

Mr. S. Satyamurti: I am asking whether, in this particular case, they consulted only the Governor and his Executive Councillors, or the Governor acting with his Ministers, or both?

The Honourable Sir Henry Craik: The Honourable Member had a perfectly clear answer on that. They consulted the Local Government, that is, in regard to a reserved subject, the Governor in Council. Nothing can be clearer than that.

Mr. S. Satyamurti: Therefore, what is the answer to clause (c)?

The Honourable Sir Henry Craik: The answer to that question is that Government have no information as to consultation with Ministers.

Mr. S. Satyamurti: Will Government call for the information?

The Honourable Sir Henry Craik: No, Sir.

Mr. S. Satyamurti: Why not?

The Honourable Sir Henry Craik: Because it is not in the public interest to give it.

Mr. S. Satyamurti: What is the public interest? If this is all questions may be refused to be answered by Government on the plea of this magnificent phrase "public interest".

Mr. President (The Honourable Sir Abdur Rahim): As regards consultation among the members of the Government themselves, it must be left to Government to decide whether they are prepared to disclose such consultation.

Mr. S. Satyamurti: We have no control over the Executive Council or the Governor, but people have got control over the Ministers. We want to know, in the public interest, what the opinions of those Ministers were. I submit, there can be no higher public interest than that.

Mr. President (The Honourable Sir Abdur Rahim): Then, the Ministers ought to be questioned in the proper Council.

Mr. S. Satyamurti: That cannot be done, because, if we ask questions there about a matter concerning the Government of India, they will be disallowed as not concerning the Local Government. We want the information on which we can go to their constituencies and tell them that these are the Ministers whom they are keeping in power.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got the answer. Next question.

DUTIES AND CONSTITUTIONAL POSITION OF THE CABINET SECRETARY.

461. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) the duties of the Cabinet Secretary;
- (b) the reasons for the creation of this post; and
- (c) his constitutional position, on the one hand, towards the Governor General, and, on the other, towards the members of the Executive Council?

The Honourable Sir Henry Craik: (a) and (b). I would refer the Honourable Member to the reply which I gave to his starred question No. 417 on the 16th September, 1935.

(c) I find some difficulty in understanding exactly what information the Honourable Member desires and cannot usefully add to my previous reply to the Honourable Member.

Mr. S. Satyamurti: Has the Cabinet Secretary been appointed now?

The Honourable Sir Henry Craik: Yes, Sir.

Mr. S. Satyamurti: Who is he?

The Honourable Sir Henry Craik: Sir Eric Mievile.

Mr. S. Satyamurti: What are his duties now?

Mr. P. R. Rau: (a) No.

(b) No. Services of Government officers are, however, sometimes lent to the Indian Railway Conference Association.

(c) The expenditure of the Indian Railway Conference Association is divided in certain proportions between railways who are parties to the Conference, among whom are included State Railways. The payment by State Railways are included in 'Other Expenses' in Demand 6G-Miscellaneous Expenditure.

**EDUCATIONAL ASSISTANCE TO THE CHILDREN OF THE RAILWAY STAFF
READING IN THE HINDU AND MUSLIM UNIVERSITIES.**

470. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): Is it a fact that the late Oudh and Rohilkhand Railway in *Weekly Gazette*, No. 4 of 22nd January, 1921, sanctioned educational assistance to the children of staff reading at the Hill Schools mentioned in the rules? If so, will Government please state:

(a) whether it is a fact that the Divisional Superintendent, Moradabad, in his Circular No. 12/151/28-E., dated 12th October, 1931, informed the staff that the said assistance is also applicable to the children reading at the following boarding schools in the plains:

- (i) La Martiniere High School for Girls, Lucknow;
- (ii) La Martiniere College, Lucknow;
- (iii) Loreto Convent High School, Lucknow, and
- (iv) St. Francis School, Lucknow;

(b) whether it is a fact that the Railway Board have decided that the Indian employees of the late Oudh and Rohilkhand Railway, who have elected the rules sanctioned in the said *Weekly Gazette* are eligible for assistance;

(c) if the replies to parts (a) and (b) be in the affirmative, whether those rules recognize the Lucknow University to which those Schools and Colleges at Lucknow are affiliated; what arrangements exist in those hill and plain schools to bring up the children of Hindu, Sikh, and Muslim staff according to their respective faith and religion; and if none, why the assistance is restricted only to those schools; and why the Universities of Benares and Aligarh were not included in those rules when they made applicable to Hindus, Sikhs, and Muslims alike; and

(d) whether the Governor General in Council propose now to extend the benefit by inclusion of the Hindu and Muslim Universities, and if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: The reply to the first part of the question is in the affirmative. As regards the latter portion the reply is as follows:

(a) Yes, I would, however, add that the four schools referred to were recognised by the Oudh and Rohilkhand Railway from the 1st April, 1921, with the approval of the Railway Board.

(b) Yes, if admissible under those Rules.

(c) The Rules referred to recognised only certain schools and not any universities. Assistance was limited to the employees who sent their children to the recognised schools only. Under the new rules educational assistance, if admissible, is given to all employees who send their children to any boarding school away from the station at which they are posted owing to the absence of a school of the requisite standard at that station.

(d) No. The present rules, a copy of which will be found in the Library of the House, are the same for all communities.

POLICY OF STATE RAILWAYS IN CERTAIN MATTERS.

471. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): Will the Governor General in Council please state the policy on Indian State Railways in respect of:

- (a) minimising the accruing rights of the non-gazetted staff;
- (b) abolition of posts in a grade or scale of pay other than minimum;
- (c) creation of posts in a grade or scale of pay other than the minimum;
- (d) transfers from one class to another class, from one cadre to another, from one group to another, from one branch to another, etc.;
- (e) "put off" duty;
- (f) suspension; and
- (g) rectification of errors, mistakes, abuse of power?

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member will specify details of cases that he may have in mind I shall endeavour to furnish a reply.

"PUT OFF" DUTY AND "SUSPENDED FROM" DUTY ON STATE RAILWAYS.

472. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): Will Government please state:

- (a) the difference between "put off" duty and "suspended from" duty;
- (b) the rate of pay admissible during the period of "put off" duty;
- (c) whether any inquiry, investigation or charge sheet is necessary when an employee is "put off" duty; and
- (d) under what Fundamental Rule, "put off" duty on Indian State Railways is permissible; and, if none, what action has been taken to stop this abuse, and if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) to (d). The Fundamental Rules authorise neither the "putting off" duty nor the "suspension" from duty of an employee and Government are not aware of any abuse. This is purely an administrative matter which is not within the scope of the Fundamental Rules. Depending upon the circumstances, "put off" duty and "suspended from" duty may mean the

(iii) The key of the picket gate near the cash office is kept by the Treasurer of the East Indian Railway and not by the manager of the refreshment room.

(iv) No.

(v) Does not arise.

TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY AND TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

465. *Dr. N. B. Khare: Is it a fact that the Government of India in their Resolution No. 4863, dated 4th December, 1891 have stated:

"The Government of India have always been careful to exercise the right of altering rules with due consideration for the rights of their servants. The ordinary course adopted to prevent hardship arising from any change of Rule found necessary has either to defer the introduction of the change for some time after its publication, or to give the officers affected the right of choosing whether they shall come under operation of the old or of the new rules."

If so, will Government please state:

- (a) whether it is a fact that the Travelling Ticket Inspectors on the East Indian Railway were recruited prior to 1st June, 1931, by the Accounts and Audit Department; and if so, on what terms of pay and allowances and conditions of service;
- (b) whether it is a fact that the Travelling Ticket Examiners on the North Western Railway were recruited prior to 1st June, 1931 by the Accounts and Audit Department, and if so, on what terms of pay and allowances and condition of service;
- (c) whether prior to 1st June, 1931, the Travelling Ticket Inspectors on the East Indian Railway and the Travelling Ticket Examiners on the North Western Railway were for all practical purposes classed as "Running Staff" along with the Locomotive and Traffic Staff;
- (d) whether prior to 1st June 1931, the Travelling Ticket Inspectors on the East Indian Railway and the Travelling Ticket Examiners on the North Western Railway were governed by the provisions of paragraph 362 of the State Railway Open Line Code, Volume II; and if so, the date and the number of correction slip amending, modifying or annulling the said paragraph;
- (e) the authority who is competent to justify the application or non-application of paragraph 362 of the State Railway Open Line Code, Volume II, after 1st June, 1931;
- (f) whether it is a fact that the allowance paid to the Travelling Ticket Inspectors on the East Indian Railway and the Travelling Ticket Examiners on the North Western Railway prior to 1st June, 1931, was to the extent of 75 per cent. classed as pay;
- (g) the authority who is competent to deprive the said staff of any part of pay without an award of punishment;
- (h) whether it is a fact that the Travelling Ticket Inspectors on the East Indian Railway and the Travelling Ticket Examiners on the North Western Railway were from 1st June,

1931, not paid the allowance to the extent of 75 per cent. classed as pay; and if so, under what paragraph of the State Railway Open Line Code, or Fundamental Rule or Article of the Civil Service Regulations, or Resolution of the Government of India or Order in Council or Despatch from the Secretary of State, this allowance classed as pay is not paid; and

- (i) whether the Governor General in Council considered the spirit of the said Resolution No. 4863, dated 4th December, 1891, before depriving these employees of their allowance; and if not, whether the Governor General in Council now proposes to give with effect from the 1st June, 1931, the Travelling Ticket Inspectors on the East Indian Railway and the Travelling Ticket Examiners on the North Western Railway who are affected by the amended rule, the right of choosing whether they shall come under the operation of the old or of the new rules, in terms of the said Resolution No. 4863, dated 4th December, 1891?

The Honourable Sir Muhammad Zafrullah Khan: The reply to the first part of the question is in the affirmative. As regards the rest of the question, the reply is as follows:

- (a) The staff referred to were, prior to the introduction of the Crew System in 1926, recruited by the Accounts Department. I lay on the table of the House a statement giving the information required in the latter part of the question.
- (b) The staff referred to were, prior to 1928, under the Chief Auditor, North Western Railway. I lay a statement on the table of the House giving information required in the latter part of the question.
- (c) Prior to 1st June, 1931, travelling ticket checking staff were treated as running staff for the purposes of mileage allowance.
- (d), (e), (g), (h) and (i). Prior to 1st June, 1931, Travelling Ticket Inspectors on the East Indian Railway and Travelling Ticket Examiners on the North Western Railway were in receipt of mileage allowance. From 1st June, 1931, they ceased to be treated as running staff so far as the grant of mileage allowance was concerned as their posts were abolished and they were offered and they accepted posts of Travelling Ticket Examiners on the East Indian Railway and Special Ticket Examiners on the North Western Railway which did not entitle them to mileage allowance. The question of allowing them an option to retain the old or the new scales does not, therefore, arise. Government, however, sanctioned, purely as an *ex gratia* measure, an enhanced consolidated allowance to persons who had originally held posts of Travelling Ticket Inspectors on the East Indian Railway and Travelling Ticket Examiners on the North Western Railway.
- (f) Yes. These allowances up to a limit of 75 per cent. of pay proper were treated as pay for the purposes of leave salary, provident fund and gratuity.

Statement showing the scales of pay of the travelling ticket inspectors on the East Indian Railway who were members of the Accounts Department prior to the introduction of the Crew system in 1926.

	East Indian Railway scale.	Oudh and Rohilkhand Railway scale.
Head travelling ticket inspectors	220—20—300	220—20—300
Travelling ticket inspectors	130—10—200	170—10—200
		130—10—160
		88—8—120
	60—4—64—8—120	60—4—64—8—80

Mileage allowance was allowed at the following rates:—

Staff on rates of pay of Rs. 120 per mensem and over	Ra. 2-0-0 per 100 miles.
Staff on rates of pay less than Rs. 120 per mensem	Ra. 1-4-0 per 100 miles.

Their other terms and conditions of service were similar to those of other non-pensionable subordinate railway employees.

Statement showing the scales of pay of the Travelling Ticket Examiners on the North-Western Railway who were members of the Audit Department prior to their being transferred to the Operating Department.

	Pay. Rs.
Travelling Ticket Examiners, Grade I	50—5—95
" " " " II	100—10—180
" " " " III	190—10—210

Salary.	Rate of Mileage.
Ra.	Rate of mileage per 100 miles.
Ra. a. p.	
50—60	1 0 0
61—95	1 4 0
100	1 8 0
105 and over	2 0 0

The conditions of their service were the same as those of the staff in other categories of the North-Western Railway borne on the non-pensionable establishment and who sign the usual service agreement.

Dr. N. B. Khare: It is said in the reply that the posts of Travelling Ticket Inspectors were abolished; may I put it to the Government that these posts were not abolished? Will Government, in this connection, lay on the table the affidavit filed on behalf of Government in the Court of the Subordinate Judge, Lucknow, in the case of Mohan Lal, Travelling Ticket Inspector, versus the Secretary of State?

The Honourable Sir Muhammad Zafrullah Khan: I will require notice of that question. If my Honourable friend will supply me with particulars of that document, I shall look into it.

POSITION OF THE CHIEF ACCOUNTS OFFICER AND HIS STAFF ON THE EAST INDIAN RAILWAY.

466. ***Dr. N. B. Khare:** Is it a fact that the Chief Accounts Officer and his staff are subordinate to the Agent, East Indian Railway, and for all practical purposes they are under the orders of the Agent?

Mr. P. R. Rau: No, Sir.

RACIAL DISCRIMINATION ON THE EAST INDIAN RAILWAY.

467. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): Are Government aware that on the East Indian Railway in general and the Moradabad Division in particular, the racial discrimination is at its zenith in respect of grant of quarters, electric current, electrification of quarters, uniform, etc., to Indians and Europeans *cum* Anglo-Indians? If so, why and under what rule?

The Honourable Sir Muhammad Zafrullah Khan: No.

RACIAL DISCRIMINATION IN THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

468. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): (a) Is it a fact that the request for electrification of staff quarters occupied by the Indian subordinates in grade below Rs. 126 is refused in the Moradabad Division of the East Indian Railway? If so, whether a similar request of the European and Anglo-Indian subordinates in grade below Rs. 126 was ever refused? If not, why not?

(b) Will Government please state whether any European and Anglo-Indian subordinates in grade below Rs. 126 are occupying electrified quarters; and if so, why in preference to those Indian subordinates who are in a higher grade?

(c) What action has been taken against the gazetted staff, who are upholding the racial discrimination; and, if none, why not?

(d) When is this evil likely to be eradicated from the Moradabad Division?

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

STAFF OF THE INDIAN RAILWAY CONFERENCE ASSOCIATION.

469. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): (a) Is it a fact that the Indian Railway Conference Association is a portion of State Railways under the Government of India?

(b) Is it a fact that the officers of the Indian Railway Conference Association are the Gazetted Officers under the Crown of India?

(c) Is it a fact that the pay, overseas pay, passage money, leave salary, travelling expenses, etc., of the officers of the Indian Railway Conference Association are debited to the State Railways Revenues? If so, under what head of the Railway Budget, provisions are made?

same thing or different things. Also full pay or pay, in accordance with the Fundamental Rules, may or may not be admissible and an enquiry, investigation or charge sheet may or may not be necessary.

MILEAGE ALLOWANCE GRANTED TO THE TRAVELLING TICKET EXAMINERS ON THE BURMA RAILWAYS.

473. *Dr. N. B. Khare (on behalf of Mr. Muhammad Azhar Ali): Will Government please state:

- (a) whether it is a fact that the Travelling Ticket Examiners on the Burma Railways are still paid mileage allowance;
- (b) whether it is a fact that in 1934 the Railway Board directed the Agent, Burma Railways, to withdraw the mileage allowance and replace it by daily or consolidated allowance *vide* reply to unstarred question No. 212 (c) asked on the 19th March, 1934;
- (c) whether it is a fact that in spite of these directions from the Railway Board, the Agent, Burma Railways, has declined to withdraw mileage allowance and the matter is still under consideration as acknowledged in reply to unstarred question No. 302 asked on the 9th April, 1935; and
- (d) whether it is a fact that the Travelling Ticket Examiners on the Burma Railways are still classed as "Running Staff" and that the same class of employees on the East Indian and the North Western Railways have ceased to be classed as "Running Staff", *vide* reply to unstarred question No. 302, asked on the 9th April, 1935, and if so, what are the reasons for this differential treatment?

The Honourable Sir Muhammad Zafrullah Khan: With your permission, Sir, I propose to reply questions Nos. 473 and 474 together. There has been correspondence, but orders were issued in January, 1936, to the Agent, Burma Railways, that consolidated monthly travelling allowance instead of the mileage allowance should be granted to the Travelling Ticket Examiners employed on that railway. Government regret that they cannot place the correspondence on the table of the House as these are documents for departmental use not intended for publication.

MILEAGE ALLOWANCE GRANTED TO THE TRAVELLING TICKET EXAMINERS ON THE BURMA RAILWAYS.

474. *Dr. N. B. Khare (on behalf of Mr. Muhammad Azhar Ali): Will Government please state:

- (a) whether it is a fact that the Agent, Burma Railways, has so far disagreed with the Railway Board and has declined to withdraw mileage allowance paid to the Travelling Ticket Examiners; and
- (b) whether it is a fact that the Agent, Burma Railways, has held that this withdrawal of mileage allowance will be a deviation from the existing rules and the policy of the administration;

†For answer to this question, see answer to question No. 473.

and if not, whether Government propose to lay on the table a copy of the correspondence which has passed between the Agent and the Railway Board on the subject or state the grounds on which the Agent differs from the Railway Board?

MILEAGE ALLOWANCE PAID TO ROAD VAN-CLERKS ON THE NORTH WESTERN RAILWAY.

475. *Dr. N. B. Khare (on behalf of Mr. Muhammad Azhar Ali): Will Government please state:

- (a) whether it is a fact that the Railway Board directed the Agent, North Western Railway, to withdraw the mileage allowance paid to the Road Van-Clerks or Van-Checkers and if so, whether the Agent agreed or disagreed to do so;
- (b) on what grounds the Agent disagreed or otherwise; and
- (c) whether Government propose to lay on the table the correspondence which passed between the Railway Board and the Agent on the subject?

The Honourable Sir Muhammad Zafrullah Khan: The question whether the Van Checkers on the North Western Railway who were appointed prior to 8th March, 1934, should continue to draw mileage allowance which they have hitherto been drawing or be given daily allowance according to the rules in force is under consideration of Government and final orders have not yet been issued.

FUND OF STATE RAILWAYS SPENT ON THE INDIAN RAILWAY CONFERENCE ASSOCIATION.

476. *Dr. N. B. Khare (on behalf of Mr. Muhammad Azhar Ali): (a) Arising out of the reply given in this House to starred question No. 565 on the 26th February, 1935, that the Indian Railway Conference Association is not owned, worked or controlled by the Government of India, will Government please state whether the following provision has been made in the North Western Railway, Revised Estimate, 1934-35, and Budget Estimate, 1935-36, page 1:

"About 5 lakhs is provided for the construction of the combined office buildings for the Railway Clearing Accounts and for the Indian Railway Conference Association and of quarters for their staff, which are urgently required to alleviate the present unsatisfactory state of affairs?"

(b) If the answer to part (a) be in the affirmative, will Government please state why the funds of State-owned Railways are spent on private bodies which are not owned, worked or controlled by the Government of India?

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

(b) The Indian Railway Conference Association is required to pay rent for the buildings constructed by Government for it. This charge is included

in the annual expenditure of the Indian Railway Conference Association which, as I have already explained, is met by contributions from railways who are parties to the Association.

APPLICATION OF NEW LEAVE RULES ON STATE RAILWAYS.

477. *Dr. N. B. Khare (on behalf of Mr. Muhammad Azhar Ali): With reference to the replies given to this House to starred questions Nos. 677 and 752, asked on the 5th and 8th March, 1935, respectively, and to unstarred question No. 205, asked on the 9th March, 1935, regarding application of New Leave Rules on State Railways, will Government please state:

- whether it is a fact that the staff recruited by the Controller of Railway Accounts in 1928 and before April 1930, for the Training School for Accountants, Calcutta, were never warned of the promulgation of the said rules;
- whether it is a fact that no declaration of any kind as required under the rules was ever obtained from the said staff;
- whether it is a fact that the instructions issued by the Railway Board in respect of the promulgation of the said rules were never communicated to the said staff;
- whether it is a fact that the said staff on abolition of the said school were brought under the said rules; and if so, why;
- what the number of the said staff was; and
- whether the Governor General in Council propose to extend the privilege of option to the said staff as is given to the staff in service before April, 1930; and if not, why not?

Mr. P. R. Rau: (a) and (b). It had been notified to the Chief Accounts Officer, East Indian Railway, to which the Training School was attached, that the staff appointed on or after the 1st September, 1928, would be liable to be brought under the new leave rules when promulgated. It was unnecessary to warn the staff concerned individually or to take a declaration from each of them.

(c) It is not usual or necessary to communicate to individuals, on their appointment, orders which are already in force.

(d) Yes, for the reasons stated in the reply to parts (a) and (b) of this question.

(e) Four.

(f) For the reasons I have just stated Government do not propose to grant the option.

SUPERVISION AND CONTROL OVER THE BUDGET ESTIMATES AND EXPENSES BY THE RAILWAY BOARD.

478. *Dr. N. B. Khare (on behalf of Mr. Muhammad Azhar Ali): Has the attention of the Governor General in Council been invited to Minute

Sheet No. A. W. 2894, dated the 26th June, 1935, signed by A. V. Venables, Agent, East Indian Railway, reading: "Economy".

"The Railway Board in their letter No. 1564-B of 10th June, 1935, have pointed out that the gross earnings of the State Railways during the first two months of this financial year have fallen considerably and emphasise the necessity for rigid economy in all expenditure. So far as this Railway is concerned the position is as follows:

	1934-35.	1935-36.	Difference.
	Lakhs.	Lakhs.	Lakhs.
Gross Earnings to end of May	341.20	331.29	10.00 (Dn.)
Working expenses to end of May	165.82	166.55	.7 (Up)

It will be seen that the Earnings have fallen during April and May 1935 by 10,00,000 as compared with April and May 1934 and the working Expenses have increased by .73 lakhs over the same period.

The question of economy, therefore, remains one of great urgency, and every effort must be made to seek fresh methods of increasing earnings, of reducing expenditure and of retaining the ground gained last year.

I would draw your attention to my Minute Sheet (Joint Circular) No. 556/A.E. 2834, dated 10th January, 1935, and Minute Sheet No. A. E. 2834, dated 5th February 1935, and request you to see that these orders are strictly observed.

As a result of investigations made by the Organisation Department savings amounting to Rs. 18,00,000 have been effected during the past year, a large proportion of which should be Annual Recurring Savings and we must ensure that these savings are maintained during the current year.

All proposals for economy and for attracting new traffic should receive the most careful consideration.

"The maximum efficiency and economy can only be obtained by constant scrutiny and investigation into every item of expenditure and no saving is too small to be ignored."

If so, will Government please state:

- whether the Budget for 1935-36 was scrutinised by the Financial Commissioner for Railways, and if so, what the items were in the Budget which are over and above 1934-35 and what the reasons were for such an excess given by the Agent;
- what the reasons are for the increase of the working expenses;
- why and to what extent the amounts were re-appropriated from one head to another of the Budget Estimates for the years 1933-34, 1935-36;
- whether Government, as an experimental measure, propose to withdraw from the Agents the powers delegated in respect of the following matters and to examine the results after a year's working, and if not, why not, namely:
 - creation, abolition and revision of pay of non-pensionable posts (gazetted and non-gazetted) on a scale of pay over and above rupees twenty per mensem;

- (ii) the recruitment, appointment or confirmation, promotion or reduction, removal, discharge or dismissal of staff (gazetted and non-gazetted) on a scale of pay over and above rupees twenty per mensem;
- (iii) the grant of allowances of any description to the staff (gazetted and non-gazetted);
- (iv) the write off of losses of any description;
- (v) the remission of dis-allowances of any description;
- (vi) the grant of any contribution or payment from Capital or Revenue Funds towards any institution;
- (vii) the grant of bonus of any description;
- (viii) the grant of compensation for damage to property through any cause;
- (ix) the payment of claims decreed by a Court of Law or settled out of a Court of Law;
- (x) the refund of fares, freight and similar other earnings involving any amount;
- (xi) the incidence of any Law charges;
- (e) whether Government, as an experimental measure, propose to prohibit the Agent from re-delegating powers to any officer in establishment matters and examine the working of a year and if not, why not?

Mr. P. R. Rau: Government have not seen the Minute Sheet referred to.

(a) The budget was scrutinised by the Railway Board and the amount provided for 1935-36 was not in excess of the revised estimate for 1934-35. Excluding the emergency deductions from pay, it was 4 lakhs lower owing to less repairs and maintenance charges of goods vehicles and rail motors.

(b) Excluding emergency deductions from pay, the working expenses till the end of November, 1935, amounted to 744½ lakhs as compared with 752½ lakhs in the corresponding period of last year—a reduction of 8 lakhs.

(c) The information is not available. Reappropriations within the same demand are within the powers of the Agent.

(d) and (e). No. Government see no reason to make any change in the present rules.

Mr. S. Satyamurti: Have Government examined this matter from the financial point of view, and have they come to the conclusion that the Agents can be trusted even in these days of financial stringency to carry out their desires, with regard to meticulous and careful scrutiny, to avoid all avoidable expenditure?

Mr. P. R. Rau: If every one of these cases were to come up to the Railway Board, the work in the Railway Board would become impossible to carry out.

SUPERVISION AND CONTROL OVER THE AGENTS BY THE OFFICERS OF THE RAILWAY BOARD.

479. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): Will Government please state:

- (a) the instances of irregularities over which the Agents were censured;
- (b) the cases in which the Agents were overruled;
- (c) the cases in which the Railway Board rejected the proposals of the Agents;
- (d) the cases in which sanctions to grants were withheld or refused;
- (e) the case where the proposals regarding the revival of posts were rejected in the interests of economy; and
- (f) the cases in which sanctions with retrospective effect were granted during the years 1931 to 1935?

The Honourable Sir Muhammad Zafrullah Khan: The information is not readily available and Government consider that its collection would involve an amount of time and labour not likely to be justified by results; and I might add nor would it be in the public interest to supply the information even if it were readily available.

OCCUPATION OF QUARTERS BY THE SUBORDINATE STAFF ON LEAVE ON THE EAST INDIAN RAILWAY.

480. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): (a) Will Government please state the period for which the subordinate staff on the East Indian Railway, who are entitled to rent-free quarters, are permitted to occupy the quarters (i) when they proceed on privilege leave during service; and (ii) when on privilege leave prior to retirement?

(b) Is it the duty of the authority sanctioning the privilege leave to inform the employee whether he has to vacate quarters or not?

(c) Is the employee charged schedule rent or rent at outsider's rate if he elects to retain the quarters while on privilege leave?

The Honourable Sir Muhammad Zafrullah Khan: (a) Subordinate staff entitled to rent-free quarters are not as a rule permitted to remain in their quarters when they proceed on privilege leave (whether during active service or prior to retirement) as their quarters are invariably required for other staff.

(b) No.

(c) An employee cannot elect to retain his quarters while on privilege leave but if he is permitted to do so on medical grounds he is required to pay rent at the outsiders' rate.

PROMOTION OF ASSISTANT ACCOUNTS OFFICERS ON THE EAST INDIAN RAILWAY.

481. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): (a) Will Government please state whether the promotions of Assistant Accounts Officers to the posts of Accounts Officers, grades I and II, on the East Indian Railway, are made by the Chief Accounts Officer or by the Controller of Railway Accounts?

- (b) Are these promotions made on seniority, and if not, on what basis?

Mr. P. R. Rau: (a) Promotions to the Indian Railway Accounts Service are made by the Government of India.

(b) Promotions are made by selection from subordinate ranks, due regard being paid to merit and seniority.

APPOINTMENT OF GOODS CLERKS ON THE EAST INDIAN RAILWAY.

482. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): (a) Is it a fact that in the rules for the recruitment and training of the subordinate staff on the State-managed Railways framed by the Railway Board and issued by the Agent, East Indian Railway, with his Circular No. 548/A.E./2460, dated the 1st October, 1932, the avenue of promotion to the post of Goods Clerk is from Assistant Goods Clerks or Assistant Transhipment Clerks?

(b) Is it also a fact that the Divisional Superintendent, East Indian Railway, Howrah, has, in his Circulars Nos. 62 and 44 of 1931 and 1932 respectively, stated that the Agent had decided that promotions to the post of Goods Clerk would henceforth be made only from among those who had passed the Goods Accounts Examination?

(c) If the answers to parts (a) and (b) be in the affirmative, will Government please state whether the conditions laid down and referred to in parts (a) and (b) have been observed by the Divisional Superintendent, Howrah, when filling up the vacant post of Goods Clerk, Ramkristopore?

The Honourable Sir Muhammad Zafrullah Khan: (a) In the rules for the recruitment and training of subordinate staff on the State-managed Railways issued by the Railway Board, the normal channel of promotion to the post of Goods Clerk is as stated in the question.

(b) and (c). Government have no information. These are matters of detailed administration in which full powers have been delegated to the Agent to whom a copy of the question has been sent for information and such action as he may consider necessary.

ENCOURAGEMENT OF SPORTS AMONGST THE STAFF AND THE DUTIES OF SPORTS OFFICERS ON THE EAST INDIAN RAILWAY.

483. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): (a) Will Government please state whether the Railway Board have issued any instructions regarding the encouragement of sports amongst the staff and the duties of Sports Officers on the East Indian Railway? If so, will Government please lay a copy of the same on the table of the House, and if none, do Government propose to frame and issue rules?

(b) Is it a fact that:

(i) there is a Sports Officer attached to the Howrah Division of the East Indian Railway; and if so, since when the present incumbent is at Howrah;

(ii) his activities consist of giving every facility to a fixed set of fifteen men at Howrah who take part in every game, such as hockey, football, tennis, etc.;

(iii) other members of the staff are not given opportunities to take part in these games;

(iv) other members of the staff are made to perform the duties of these fifteen men in order that they may have daily practice: and

(v) the pay of these men is not debited to the Sports Fund but is drawn against posts in which they are nominally employed?

(c) Will Government please state whether the playing of games is to be confined to a fixed set of men, and if not, what facilities have been offered to the remainder of the staff at Howrah?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government have issued general instructions to Railways that staff should be encouraged to take part in sports, but do not consider it necessary to issue any rules on the subject.

(b), (i). There is no special sports officer attached to the Howrah or any other division. Generally, the work pertaining to sports and athletics on this division is entrusted to one of the senior scale officers of the division who does it in an honorary capacity in addition to his own normal duties. Mr. Whitby, Superintendent, Commercial, has been working as sports officer on the Howrah division since the 23rd December, 1935.

(ii) and (iii). The reply is in the negative.

(iv). During the time that the representatives of the division are taking part in the tournaments they are treated as being on leave and their work is carried on by the rest of the staff or by special reliefs.

(v) Yes. The reply is in the negative. Every institute on the division is duly informed and each institute has the right and does press the claims of its nominees for selection by the divisional committee. Generally selections are held after timely notice has been given to the Honorary Secretaries of the institutes on the division to nominate the players to compete for the trials.

FIXATION OF SENIORITY OF THE SUBORDINATE STAFF ON THE EAST INDIAN RAILWAY.

484. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): (a) Is it a fact that there are conflicting orders in regard to the fixation of seniority of the non-gazetted subordinate staff other than the Engineering Department staff on the East Indian Railway?

(b) Is it also a fact that:

(i) the Divisional Superintendent, Moradabad, in his No. E.T.-10/33/A.S.M.A., dated the 10th August, 1933, has stated:

"Until such time as you pass the Goods Accounts Examination you will remain junior";

(ii) the Agent, Calcutta, in his No. A. E.-2178, dated the 22nd September, 1933, has stated:

"The relative seniority of men in a grade or class will normally be reckoned from the date each was confirmed in that grade or class".

Note.—An exception to this rule will be when a man is given a higher rate of pay than the minimum of the grade since a specific reason for such a case must be assumed. Seniority will then be determined by the rate of pay; and

(iii) the Divisional Superintendent, Moradabad, in his No. E.-4/38, T. C., dated the 6th November, 1933, has stated:

"The seniority is based on the length of service in the grade. Pay is not taken into account in determining seniority?"

(c) If the answers to parts (a) and (b), (i) to (iii) be in the affirmative, will Government please state the rules which govern the fixation of seniority of the non-gazetted subordinate staff (other than those in the Engineering Department) on the State-managed Railways, and whether the same were communicated to the Agents and their subordinate officers for compliance?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government are informed that the general orders issued by the Agent for the determination of seniority of the subordinate staff apply to all the departments except the Transportation and Commercial Departments. There are certain difficulties which render the application of these orders to these Departments inadvisable, but the Agent, East Indian Railway, is looking into the question for the purpose of ascertaining whether uniformity in future is possible.

(b), (i) and (ii). Yes.

(iii) Government are informed that these extracts have been taken from two separate letters issued on the 6th and 21st November, 1933. These letters were issued by a junior officer on the division and were incorrect and the mistake was subsequently rectified.

(c) Agents of Railways have full powers to deal with questions of seniority regarding the subordinate staff. No specific rules have been laid down by Government in this connection.

PROCEDURE IN DEALING WITH REPRESENTATIONS AGAINST ORDERS OF DISCHARGE IN THE RAILWAY BOARD.

485. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): (a) Will Government please state the procedure that is observed by the Railway Board when dealing with any representation, appeal or memorial against an order of discharge passed on a subordinate employee on the State-managed Railways, when entertained by the Railway Board?

(b) Will Government state whether each of the issues either submitted by the appellant or on his behalf, are examined by the Railway Board and whether a decision is recorded in writing on each issue raised?

(c) Are such representations, appeals or memorials scrutinised to see whether there has been breach of rules committed by the railway authorities or by the appellate subordinates?

(d) If the answer to part (c) be in the affirmative, will Government please state the procedure that is observed when it is established that rules have been contravened by the railway authorities?

The Honourable Sir Muhammad Zafrullah Khan: The procedure for dealing with the appeals, etc., from non-gazetted railway staff is laid down in the "Rules regulating discipline and rights of appeal of non-gazetted Railway Servants", a copy of which is in the Library of the House.

PROCEDURE IN DEALING WITH APPEALS AGAINST ORDERS OF DISCHARGE, ETC., ON THE EAST INDIAN RAILWAY.

486. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): (a) Will Government please state the procedure that is observed on the East Indian Railway by the Agent, the Chief Operating Superintendent, the Chief Commercial Manager and the Divisional Superintendents when dealing with appeals from the subordinate staff against orders of discharge and other disciplinary measures?

(b) Are each of the issues submitted by the appellant examined, and if so, is a decision in writing recorded against each issue and is the appellant informed of the decision arrived at on each of the issues raised by him?

(c) Are all appeals carefully examined to see whether there has been breach of rules or of orders from superior authorities committed by the gazetted officers concerned, and if so, will Government please state the procedure that is followed when it has been established that rules and orders have been violated by the gazetted officers?

(d) What remedies do the aggrieved employees have when the appellate authority declines to take any action in cases where it is admitted that rules and orders have been violated?

(e) Is it obligatory on the Agent or the Railway Board to take disciplinary action against those gazetted officers who have violated the rules?

The Honourable Sir Muhammad Zafrullah Khan: (a) to (e). Government are informed that appeals are dealt with in accordance with the "Rules regulating discipline and rights of appeal of non-gazetted Railway servants", a copy of which is in the Library of the House. All appeals are carefully examined and care is taken to see that the procedure laid down in the rules is observed by the appellate authorities. If it is established that the rules have been violated the appellate authority would naturally revise the orders if the circumstances of the case warrant such action.

(d) An employee may appeal or petition to the extent permissible under the rules.

(e) The Agent will no doubt take such action as may be necessary in the circumstances of a case.

RECORDING OF VERBAL WARNINGS IN THE SERVICE BOOKS OF SUBORDINATES ON THE EASTERN BENGAL RAILWAY.

487. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): (a) Will Government please state whether there are any rules on the Eastern Bengal Railway which permit gazetted officers to enter in the service records of their subordinate employees verbal warnings alleged to have been given by them?

(b) If the answer to part (a) be in the affirmative, will Government please state the procedure that must be observed before such verbal warnings can be recorded in the service records?

The Honourable Sir Muhammad Zafrullah Khan: (a) No.

(b) Does not arise.

ALLEGED INCORRECT INFORMATION SUPPLIED BY THE AGENT, EAST INDIAN RAILWAY.

488. *Dr. N. B. Khare (on behalf of Mr. Muhammad Azhar Ali): (a) Arising out of the reply given in this House on the 13th February, 1935, to starred question No. 200 that Government are informed that owing to retrenchment there has not been occasion for promotions in these offices recently, but selection boards will be formed when necessary, will Government please state whether the following officiating or permanent vacancies took place during 1934 and 1935:

- (i) Office Superintendent, Divisional Superintendent's Office, Howrah, about September, 1934, vice Mr. O. E. Field;
- (ii) Office Superintendent, Divisional Superintendent's Office, Howrah, about August, 1935, vice Mr. M. N. Ghosh;
- (iii) Office Superintendent, Divisional Superintendent's Office, Asansol, about December, 1934, vice Mr. A. K. Bannerjee;
- (iv) Office Superintendent, Divisional Superintendent's Office, Asansol, about August, 1935, vice Mr. G. H. Bonnett;
- (v) Office Superintendent, Divisional Superintendent's Office, Lucknow, about October, 1934, vice Mr. H. Billing;
- (vi) Office Superintendent, Divisional Superintendent's Office, Moradabad, in 1934, vice Mr. S. N. Misra;
- (vii) Office Superintendent, Divisional Superintendent's Office, Dinapore, vice Mr. S. C. Ribbons; and
- (viii) Personal Assistant to the Chief Operating Superintendent, Calcutta, about August, 1934, vice Mr. F. B. Whaley?

(b) If the answer to part (a) be in the affirmative, what disciplinary action is taken against the Agent, East Indian Railway, for furnishing incorrect information to this House? If none, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) The vacancies referred to in the first part of the question took place during 1934 and 1935.

(b) No action is called for against the Agent, East Indian Railway, as he did not furnish any incorrect information. The "Rules for the recruitment and training of subordinate staff", which provide for the appointment of selection boards, do not apply to clerical staff. The posts of 'Office Superintendents' are not specified as selection posts on the East Indian Railway although the practice is to treat those and the post of 'Personal Assistant' to the Chief Operating Superintendent as selection posts. Government are informed that permanent vacancies referred to in the first part of the question were filled by selection boards but no selection boards were appointed for filling officiating vacancies as this was not necessary, nor do the rules require such a procedure to be followed.

FILLING UP OF CERTAIN VACANCIES ON THE EAST INDIAN RAILWAY WITHOUT THE MEDIUM OF SELECTION BOARDS.

489. *Dr. N. B. Khare (on behalf of Mr. Muhammad Azhar Ali): (a) Is it a fact that the posts of Office Superintendent in the various Divisions on the East Indian Railway that fell vacant, either officiating or permanent,

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during 1934 and 1935, and that of Personal Assistant to the Chief Operating Superintendent in 1934 were filled without the medium of Selection Boards?

(b) Is it also a fact that the post of Office Superintendent is a selection post?

(c) Are Government prepared to take deterrent action in the matter against the officers responsible for the promotions without the medium of Selection Boards? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: I would invite the Honourable Member's attention to my reply to his question No. 488 which I have just given in this House.

ALLEGATIONS AGAINST THE STAFF OF THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

490. *Dr. N. B. Khare (on behalf of Mr. Muhammad Azhar Ali): (a) Is it a fact that the Divisional Superintendent, Moradabad Division, on the East Indian Railway has issued Circular No. 12/201/29-E., dated August 20, 1935, on the subject of Economy in which he has stated:

"(c) *Methods of attracting traffic.*—This is a matter of special reference to Station Masters, Goods and Coaching Clerks. I need hardly remind you that merchants carefully calculate whether it is cheaper to send their goods and parcels by road or by rail, and that if over and above the railway freight the amount they have to pay as "Dasturi" for receipts of wagons make it uneconomical for them to use the railway, you are directly responsible for loss of permanent revenue. It is being freely stated in the Assembly, Press and elsewhere that the rapacity of the staff strangles the free movement of merchandise."

If so, will the Governor General of India in Council please state:

- (i) what this "Dasturi" is and how it is paid;
- (ii) what efforts, other than the said Circular, have been made by the said Divisional Superintendent to eradicate the evil since November, 1932, and if none, why not;
- (iii) the names or number of the staff punished by the said Divisional Superintendent since November, 1932; for accepting "Dasturi";
- (iv) whether they are aware that Transportation Inspectors (Supervising Staff) receive the share in the said "Dasturi" through their peons, and if not so, the name of the Inspectors and their peons who have had permanent attachments and their proceedings on transfers in the same capacity; and the reasons for such permanent attachments even on transfers to other Divisions;
- (v) how the Divisional Superintendent became aware of the practice of "Dasturi" in his Division?

(b) Do Government propose to direct the Divisional Superintendent to immediately withdraw the charge made by him against the staff on his Division and to tender an unqualified apology to workers through the medium of a Circular? If not, are Government prepared to permit the staff to take legal action against such charges levelled against every subordinate on the said Division? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: Government have seen the circular referred to by the Honourable Member, but do not consider that it can be regarded as an accusation against any individual or class of staff. It was only intended as a warning against the practice of a possible evil which might act to the detriment of the Railway, and Government do not consider any further action is called for.

Mr. S. Satyamurti: What is 'dasturi'.

Sardar Sant Singh: Commission or bribery.

The Honourable Sir Muhammad Zafrullah Khan: I suppose, as the Honourable Member has explained, it is commission: he appears to be more conversant with it than I am.

Mr. S. Satyamurti: But have Government no information in the matter at all?

The Honourable Sir Muhammad Zafrullah Khan: The only information Government have is that allegations are sometimes made that perquisites of this kind are demanded by certain category of staff on certain occasions, and, considering that that might possibly be so, this particular officer issued a warning to railway servants that this must not happen.

Mr. S. Satyamurti: But have Government made any inquiries, or do they propose to make any inquiries, into the truth or otherwise of these allegations, which, according to the circular of the Divisional Superintendent, are made frequently?

The Honourable Sir Muhammad Zafrullah Khan: So long as the allegations continue to be vague and indefinite, it is very difficult for Government to make any inquiry; but if definite allegations with particulars were submitted, Government would be very glad to make an inquiry and would be very glad of the co-operation of the public in the matter.

Mr. S. Satyamurti: Have Government considered this very specific statement in the circular:

"I need hardly remind you that merchants carefully calculate whether it is cheaper to send their goods and parcels by road or by rail, and that, if, over and above the railway freight, the amount they have to pay as 'dasturi' for receipts of wagons make it uneconomical for them to use the railway, you are directly responsible for loss of permanent revenue. It is being freely stated in the Assembly, Press and elsewhere that the rapacity of the staff strangles the free movement of merchandise."

Have they considered the significance of the words "if over and above the railway freight the amount they have to pay as dasturi for receipts of wagons make it uneconomical for them"?

The Honourable Sir Muhammad Zafrullah Khan: Yes.

Mr. S. Satyamurti: Is it not taken as granted in the circular that the dasturi is paid, but that the amount should be moderate, and should not be so high as to make it uneconomical?

The Honourable Sir Muhammad Zafrullah Khan: No, I hope not.

Mr. S. Satyamurti: Will Government make inquiry into the matter again?

The Honourable Sir Muhammad Zafrullah Khan: Government have made inquiries on that circular and the reply is based on the reply to those inquiries. If Government get any more definite information, they will make all possible inquiries.

Mr. S. Satyamurti: Is the Honourable Member aware, as even humble folk like me are aware, that it is a very common practice on all railways that nobody can get a wagon, unless palms are oiled?

The Honourable Sir Muhammad Zafrullah Khan: I am not aware that this is a very common practice; but I am aware that in the Railway Department, like all other departments, there are black sheep, and I shall only be too glad, as I have already said, if specific cases are brought to the notice of the administration, in which case they can take action. The administration will be very glad to have such cases brought before them.

Mr. S. Satyamurti: Will Government appeal to my Honourable friend, the Home Member, and ask the C. I. D. to turn some of their attention to this subject of corruption in the railways and other departments, and to bring bad cases to notice?

The Honourable Sir Muhammad Zafrullah Khan: The Railways are prepared to do so themselves, and I think my Honourable friend will find some reference to it in my speech when I introduce the Railway Budget.

PERSONS ARRESTED IN CONNECTION WITH THE "AGENCY REBELLION" IN THE MADRAS PRESIDENCY.

491. *Prof. N. G. Ranga: (a) Will Government be pleased to state:

- (i) the total number of people arrested in connection with and during the "Agency Rebellion" in the Madras Presidency known as 'Rampa Pituri' which was begun on the 22nd August, 1922;
- (ii) the number of those sentenced;
- (iii) the number of those who have been released so far;
- (iv) the number of those who are still in jail;
- (v) the number of women among them who are in jail even now;
- (vi) how many of those sentenced were sent to (a) Andamans, and (b) to other non-Madras areas;
- (vii) how many of them are still in jails, i.e., variously in Madras jails, Andamans and other settlements; and
- (viii) how many of those who were arrested and sentenced, have died in jails in the Madras Presidency, in Andamans and in non-Madras jails?

(b) Is it true that Mr. Vengal Rao Narayana Raju was arrested on the 15th May, 1924 died in the Andamans, and if so, when and of what illness and under what circumstances and have his relatives in Kumudavalli in Bhimavaram Taluk, West Godavari District been informed of his death? If not, why not?

(c) Will Government state if it is true that Mr. Gomer Mallu Dorai of the Madras 'Agency Rebellion' of 1922-1924 has served his full term of sentence and that he is still kept in jail?

(d) Will Government state when he should have been released in the normal course of things, why he has not been released and when he is likely to be released?

(e) Will Government also state:

(i) what has happened to Mr. Gamu Gautama Dora's wife and daughter who were also arrested;

(ii) whether they were sentenced, and if so, for how long;

(iii) whether they were released; and

(iv) whether Government have any information as to their present whereabouts and fate?

(f) Are Government aware of the fact that the agency tracts where the Rebellion had taken place in 1922-24 have long ago settled down to normal life, that the transport facilities have been very much improved and that the successive Agents to the Governor General stationed at Vizagapatam have been reporting about the safety of the tracts? If so, have Government considered the question of releasing the prisoners of the rebellion days, even after they have served more than ten years in jail?

(g) Are Government prepared to consider the advisability of releasing them at least now or at the time of the inauguration of the Reforms, considering the tranquillity of the tract concerned and the great sufferings of the prisoners?

Mr. A. S. Hands: The information is being obtained and will be laid on the table in due course.

Prof. N. G. Ranga: This is a very important question, Sir: the Honourable Member said he would place the reply on the table: will I be permitted to put supplementary questions tomorrow?

Mr. A. S. Hands: As I said, the information is being obtained and will be laid on the table in due course.

Prof. N. G. Ranga: In view of the fact that I gave notice of this question nearly two months ago, I wonder . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member wants information collected and it will, the Chair understands, take a little time.

Prof. N. G. Ranga: Is it not a fact that this question was given notice of two months ago, and have not the Government of India been able to make use of these two months in order to get the necessary information?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member wants information from the Andamans and various other places.

Prof. N. G. Ranga: Yes, Sir: but it is two months and more since I gave notice of this to the Government, and the Government of India have not cared to obtain necessary information!

Mr. A. S. Hands: The question was not admitted two months ago. Notice was given of it some time ago, but it is actually on this list No. 5A.

Mr. President (The Honourable Sir Abdur Rahim): The information is being collected?

Mr. A. S. Hands: Yes, Sir: we are collecting information, but it is so voluminous that it will naturally take time and it will have to be obtained from the Madras Government.

Sir Muhammad Yakub: Will Government say how much money will be spent in collecting the information required in this question?

(No reply.)

WAITING ROOM FOR INTERMEDIATE CLASS PASSENGERS AT THE BENARES CANTONMENT RAILWAY STATION.

492. *Mr. Sri Prakasa: Are Government prepared to ask the East Indian Railway authorities to make a properly fitted up waiting room for intermediate class men passengers besides the one for women at the Benares Cantonment Railway Station in place of the sweetmeat vendor's shed reserved for them at present?

The Honourable Sir Muhammad Zafrullah Khan: A proposal to the same effect, advanced by the Local Advisory Committee in May last, was accepted by the Railway Administration. The work will no doubt be carried out as funds become available.

CLOSING OF LEVEL CROSSING NEAR THE BENARES CANTONMENT RAILWAY STATION.

493. *Mr. Sri Prakasa: (a) Are Government aware that the level crossing near the Benares Cantonment Railway Station is sometimes closed up for twenty minutes and more at a time causing much congestion of traffic and inconvenience to persons wanting to cross over from the city to the cantonment side and vice versa?

(b) Is it a fact that such long closure takes place usually for shunting purposes, the shunting points being beyond the level crossing on the Kashi Station side?

(c) Are Government prepared to recommend to the Railway authorities concerned to draw up the shunting points nearer the Cantonment station so that the level crossing need not be closed for purposes of shunting?

(d) Was there ever a proposal of constructing a sub-way for vehicular traffic under the present level crossing? If so, is it likely to materialise?

The Honourable Sir Muhammad Zafrullah Khan: (a) From the records maintained by the East Indian Railway, the level crossing near Benares Cantonment station is closed for a period exceeding 15 minutes on an average, once in every 24 hours.

(b) This long closure is for the passage of metre gauge goods train from Benares City to Benares Cantonment.

(c) The East Indian Railway state that it is not possible to move the points closer to the station.

(d) In 1921 there was a proposal to divert the Grand Trunk Road from the railway overbridge at Chowkaghat to this level crossing, and it was proposed to construct a subway or overbridge to replace this level crossing. As the Public Works Department subsequently decided not to divert the Grand Trunk Road, the question of providing a subway or overbridge was dropped.

CONSTRUCTION OF A RAILWAY LINE BETWEEN KULPAHAR AND RATH ON THE GREAT INDIAN PENINSULA RAILWAY.

494. ***Mr. Sri Prakasa:** (a) Was a project ever taken in hand to construct a railway line between Kulpahar and Rath in the Hamirpur district, on the Great Indian Peninsula Railway?

(b) In view of the importance of Rath as a trade centre, do Government propose to consider the desirability of connecting Rath by railway either with Kulpahar or Orai?

The Honourable Sir Muhammad Zafrullah Khan: (a) No. The traffic prospects of the line from Harpalpur to Rath, and onwards either to Kalpi or Bhurwa Sumerpur were examined in 1926, and the project was abandoned as financially unjustifiable.

(b) A good metalled road about 26 miles in length connects Rath with Kulpahar, and there are no prospects of financial justification for the construction of a railway linking up Rath either with Kulpahar or Orai.

RAILWAY FREIGHT FOR ORNAMENTED BRASS VESSELS.

495. ***Mr. Sri Prakasa:** (a) Is it a fact that in accordance with the schedule drawn up by the Railway Board, ornamented brass vessels are carried on railways at double the rate of ordinary brass vessels? Is it not a fact that even the slightest indentations on brass vessels are treated as ornamentations?

(b) Is it a fact that all Moradabad vessels ornamented or otherwise, are classed as one under a separate head 'Moradabad ware' and carried at the lower rate?

(c) If the reply to part (b) be in the affirmative, are Government prepared to recommend to the Board to make a similar provision for all Benares brassware to prevent the fast decaying local industry from absolute death?

The Honourable Sir Muhammad Zafrullah Khan: (a) The reply to the first part is in the negative. The classification of commodities authorised by the Railway Board in force prior to 15th September, 1935 made a

distinction between "Brass, ornamental" which was ninth class, i.e., the maximum rate chargeable being 1.25 pie per maund per mile, and "Brass vessels" and "Brass, manufactured, not otherwise classified" which were fourth class, i.e., the maximum rate chargeable being 0.62 pie per maund per mile. Under the present classification "Moradabad brassware, tin-nickelled" is classified sixth class, i.e., the maximum rate chargeable being 0.83 pie per maund per mile and "Brassware, not otherwise classified" is fourth class. A revised classification has recently been authorised and will shortly be given effect to by Railways. In this classification "Moradabad brassware, tin-nickelled" comes under the head of "Brassware, not otherwise classified", and the maximum rate for both ornamental and ordinary brass vessels will be the same, i.e., 0.62 pie at fourth class. Government are not aware what the practice on individual railways was in regard to the interpretation they were placing on the term "Brass, ornamental".

(b) Yes, but the term used is "Moradabad brassware, tin-nickelled".

(c) I understand that the term Moradabad brassware was not restricted to brassware manufactured at Moradabad, but also applied generally to similar articles manufactured elsewhere.

MOLESTATION OF AN INDIAN FAMILY BY AN ITALIAN CROWD AT MILAN.

496. ***Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that a hostile Italian crowd molested the family of one of the Indian members on the staff of the Indian Trade Commissioner, Milan?

(b) Will Government please lay on the table full details of the incident referred to above and also state what steps they have taken to stop the recurrence of such incidents in future?

Sir Aubrey Metcalfe: (a) Yes.

(b) The details of the incidents briefly are that on one occasion when the ladies and children of the family of Mr. Ahuja, the Indian Trade Commissioner, and that of Mr. Sen who is attached to the Trade Commissioner's office went out a small crowd of young Italians gathered round them and followed them calling them "Abyssinians" and singing war songs and slogans, and used, it is said, abusive language. On another occasion stones were thrown at the party and some of the children were spat at. Another incident was that stones and rubbish were thrown into Mr. Sen's apartments. Subsequently the Italian police authorities offered protection to Mr. Ahuja but the offer was declined as no further incidents took place and the families of Mr. Ahuja and of Mr. Sen left Italy.

Mr. F. E. James: Is the Honourable Member also aware that Mr. Ahuja's son was called up for military service by the Italian Army and that, on the authorities being informed that he was a British subject, they declined to take that assurance, and the intervention of the British Ambassador in Rome had to be called for?

Sir Aubrey Metcalfe: That fact, if it is a fact, has not come to the notice of the Government of India hitherto.

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Sir H. P. Mody: Was any reparation offered by the Italian Government either by way of an apology or otherwise?

Sir Aubrey Metcalfe: No. I understand there was a visit paid to Mr. Ahuja by some officer of the Italian Government. I cannot remember exactly who—and I may tell the House that the whole question of making a definite protest to the Italian Government on this subject was most carefully considered, and it was decided at Mr. Ahuja's own request and in accordance with his wishes to make no such protest.

Mr. S. Satyamurti: May I know if the Government of India make up their mind in such matters by the attitude of the persons who are involved in the matter? Do not the Government of India consider that the dignity of the country is involved in this matter?

Sir Aubrey Metcalfe: They considered all the relevant factors in the situation.

Mr. S. Satyamurti: Did they consider that an insult to an Indian citizen, especially the Indian Trade Commissioner, by an Italian crowd was a matter to be brought to the notice of the Italian Government in the form of a dignified protest to that Government?

Sir Aubrey Metcalfe: All relevant factors, as I have said, were considered, and the decision was taken after careful consideration.

Mr. S. Satyamurti: What are the other factors besides this gentleman's own desire, that no protest should be made, which weighed with the Government?

Sir Aubrey Metcalfe: No doubt, one consideration was the question as to what good a protest exactly would be.

Mr. S. Satyamurti: Are the Government of India afraid of the Italian Government?

Mr. President (The Honourable Sir Abdur Rahim): Order, order.

THE PAYMENT OF WAGES BILL.

Mr. President (The Honourable Sir Abdur Rahim): Legislative Business. 12 Noon. The motion under consideration is:

"That the Bill to regulate the payment of wages to certain classes of persons employed in industry, as amended, be passed."

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): Mr. President, it was the custom in the days of the Roman Empire for gladiators who were condemned to die in the arena to turn to the box to die, salute thee, O Cæsar. In much the same spirit, Sir, I turn to the Bench occupied by my Honourable friend, Sir Frank Noyce, and salute him. (Laughter.) He has helped to place on the Statute-book another Bill of far-reaching importance designed for the protection of labour interests. If, Sir, I have co-operated with the main purposes of

this Bill, it is not because I am under any delusions with regard to its effect on industries, but because I hold that every employer, with any humanity in him, any sense about him, must recognise that labour is entitled to a square deal, and that, consistently with the interests of industries, every effort should be made to ameliorate the lot of the workers. The Bill before the House, as I said, is of a far-reaching character and makes a considerable advance upon the present position. It regularises the payment of wages. At the present moment, a great many abuses prevail, particularly in out of the way centres, which are not subject to very close inspection and where labour is unorganized and plentiful. It reduces both the number of fines and the amount. It lays down that whatever fines are collected must be utilised for the purpose of some activity or other connected with the welfare of labour; it regulates deductions, and lays down that notice must be given in all cases. My friend, Mr. Joshi, in spite of all these undoubted advantages, the other day said that he had lost all heart in the Bill. He actually said that he was enthusiastic up to a point, until a stage was reached when a heartless Government of India, supported by a thoughtless Government of Bombay, chose to accept the amendment which was moved by me. If my friend, Mr. Joshi, was so enthusiastic as all that, all I can say is that he has a very curious way of showing his enthusiasm. He had not a word of appreciation when the Bill was brought before the House in the first instance. He was unreasonable as he possibly could be in the Select Committee. He was unconciliatory at the informal conference which was held by the Honourable Member, and he was uncompromising when he came to moving his amendments . . .

Mr. N. M. Joshi (Nominated Non-Official): If the Honourable Member could move his amendments, why should I not?

Sir H. P. Mody: I am trying to analyse what Mr. Joshi's enthusiasm was.

Mr. N. M. Joshi: What about your enthusiasm?

Sir H. P. Mody: I never claimed at any stage of the measure that I was enthusiastic. I was not. (Laughter.) I was feeling cold all over. It was Mr. Joshi who said that he was feeling enthusiastic, but he had a very curious way of showing his enthusiasm, and my friend, the Honourable Sir Frank Noyce, might well say in the words of the doggerel: "It is all very well to dissemble your love, but why do you kick me down stairs?"

Mr. N. M. Joshi: Why speak for Sir Frank Noyce? You can speak for yourself?

Sir H. P. Mody: My friend, Mr. Ranga, went further than Mr. Joshi. He actually sneered at the Honourable Member and Mr. Clow. All I can say to this is, we are about to see a new constitution inaugurated, and if, under that constitution, we are able to secure a Member of the sympathy of the Honourable Sir Frank Noyce and a Secretary like Mr. Clow who has worked, without sparing himself in the interests of labour, we shall be very lucky indeed.

An Honourable Member: Wait and see.

Sir H. P. Mody: Of course, I make one exception, and that will be my friend, Professor Ranga. (Laughter.) If he were to occupy that portfolio, it would cease to be a portfolio for Industries and Labour; it would just be a portfolio for Labour, all Labour, and nothing but Labour. Now, what are the views about the Bill, the views of those whom I represent

Mr. M. S. Aney (Berar Representative): It will be labour without industry.

Sir H. P. Mody: No, otherwise we would not co-operate. I say, Sir, that the advance in labour legislation which has taken place in the last few years is a great deal too rapid, and I would warn the Government of India against incorporating bodily the reforms which have derived their inspiration from Geneva

Mr. N. M. Joshi: What about your amendment?

Sir H. P. Mody: Industries are in their infancy in this country, they require consideration inasmuch as labour, and if you make it impossible for industries to thrive, then you make it impossible for labour also to have its well-being looked after. Government must not forget that industries in India have to meet with a very considerable degree of competition from abroad, and some of them are hard put to it to keep standing on their legs, and if the pace of legislation which has been initiated in these last few years were not to be controlled, the position will be indeed very difficult. What, Sir, is the record of the last few years? The Tea Districts Emigrant Labour Act, the Amendment of Workmen's Compensation Act, Amendment of the Land Acquisition Act, the Dock Labourer's Act, Factories Act, Payment of Wages Act. I say, Sir, that this is a record of which my friend, Sir Frank Noyce

The Honourable Sir Frank Noyce (Member for Industries and Labour): My friend has forgotten a Mines Act.

Sir H. P. Mody: If I have forgotten the Mines Act, it is because, Sir, I had a list prepared, and it was so long that I had to pick out only a few measures. I find my friend, Sir Frank Noyce, instead of thanking me for leaving out some items, is actually claiming another piece of legislation. Well, if he wants more, I can give him the names of some more measures, for instance, the Trade Union (Amendment) Act, the contemplated amendment of the Trade Disputes Act and the Act dealing with the pledging of Child Labour. As a matter of fact, there is quite enough for even the appetite of my friend, Sir Frank Noyce. And, Sir, we have finally this Payment of Wages Bill. I should have thought that labour and its representatives would be quite pleased and more than thankful to the Member and the Secretary who have initiated so much legislation and have carried it through this House in the last three years. But there is not one word of recognition. Instead, what was the position in the Select Committee? This Bill which was designed for a particular purpose was sought to be perverted for a good many other purposes and was

sought to be converted into a sort of labour code. This is the measure of appreciation which the representatives of labour have shown for the efforts of Government to try and improve the lot of the workers. Having said this, I hope the Government recognise, as the House will also recognise, that those who are the representatives of industrial interests have never tried to thwart the progress of industrial legislation, where such legislation has been well conceived and holds the scales even between industries and labour. All that I intended to say was that the pace might be slackened a little and that the Honourable Sir Frank Noyce might well feel satisfied with all that he has done. Sir, I cordially support the Bill, as amended.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, this Bill is an addition to the seven or eight measures which have already been placed on the Statute-book on the recommendation of the Royal Commission on Labour to remove the grievances of labour. Although it has not given full satisfaction to all sections of the House, it is generally welcomed as marking a move in the right direction. I hope and trust that other measures will soon be adopted to secure the welfare of labour to the fullest extent. It is now recognised by all thoughtful and farsighted men in all countries that capitalism is on its trial

Mr. N. M. Joshi: Doom!

Dr. P. N. Banerjee: and that unless it is able to rid itself of its many evil features, it will have, sooner or later, to give place to some other system. I recognise frankly that capital is an indispensable factor in industry, and although I am not an admirer of the capitalistic system, I cannot shut my eyes to the fact that, if India is to advance and prosper, the owners of capital in this country will have to play a very important part in the industrial development of India. At the same time it must also be admitted that labour is as important a factor in industry as capital. I hope and trust, therefore, that owners of capital and the representatives of labour will meet in a spirit of sympathy and goodwill and eliminate all causes of conflict that may arise between them. We have in India already too many differences which are hampering our political as well as our economic progress. We cannot afford to have any more of such differences, and a serious conflict between labour and capital is sure to prove disastrous to the interests of the country. While, therefore, I think that it is the business primarily of the representatives of capital and labour to meet and confer in a spirit of goodwill, this House also has a duty in this matter, and that duty is to stand forth as the custodian of the general economic interests of the country, and not only to hold the balance even between capital and labour but to protect the weaker party, namely, the labouring population of the country. Sir, if that is done, this Assembly justifies its existence. As an earnest of more important things to come, I give my whole-hearted support to this Bill.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I do not wish to pay a left handed compliment to my Honourable friend, Sir Frank Noyce, as my Honourable friend, Sir Homi Mody, has done. I pay him a generous tribute that between him and my old comrade, Mr. Clow . . .

An Honourable Member: He has also become a Communist!

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Mr. B. Das: We were comrades at Geneva. Between him and my Honourable friend, Mr. Clow, they have done very well towards labour and labour legislation. As one interested in the development of industries in this country, I would not advise the Member for Industries and Labour to go slow. I do not think Government have been over-generous towards labour.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): What are you? Labour?

Mr. B. Das: I am speaking as a friend of labour and as one who is very much interested in you, Sir Cowasji, who is an industrialist.

Sir Cowasji Jehangir: Thank you. Much obliged.

Mr. B. Das: But when my Honourable friend, Sir Homi Mody, read that homily, I was reminded of labour conditions in Japan, the treatment which the Japanese industrialists render towards their workers, whether men or women, and particularly in that industry in which my Honourable friend, Sir Homi Mody, was interested, the Millowners' Association . . .

Sir H. P. Mody: Still interested.

Mr. B. Das: I do hope that my Honourable friend has read that book which Sir Lallubhai Samaldas has produced after his visit to Japan, where he has advised his friends, the millowners, to take a lesson from that book and to apply the same generosity of treatment towards the workers. Then, there will be no ill feeling. My Honourable friend, Sir Homi Mody, shewed a little of his temper towards my Honourable friend, Mr. Joshi. What happened in the conclave of the Select Committee we do not know beyond what is mentioned in the Report, and I wish that all that had not been mentioned on the floor of this House. But this much I can say, that although I remained neutral and gave half of my vote to Mr. Joshi and the other half to my friends, the industrialists, in the matter of Sir Homi Mody's amendment, I think that the amendment was a little ill conceived. It might have been deferred. When the Select Committee had not considered such a proposal, the proposal could have come later. Today, Mr. Joshi would have sung hallelujahs to the Honourable Member for Industries and Labour had not that particular amendment impaired the goodwill and the harmonious atmosphere of this House. I am not a sympathiser with strikes. I have often warned labour leaders in this House and outside that they should not imitate the Western system of labour organisations by resorting to lightning strikes and sympathetic strikes. That is foreign to our nature. Many things are foreign. Even this Legislature is foreign to India. Many things are foreign to this country, and blindly following what is good for European countries has done us enough harm. My Honourable friend, Mr. Joshi, and even my Honourable friend, Professor Ranga, will recognise that the strike that happened at Jamshedpur four or five years ago did a lot of harm to the Tata Steel Works. The workers might have wanted higher wages, but the workers forgot that the steel industry at that time was just living from hand to mouth and could not stand that wholesale stoppage of work. The same thing happened in the Bombay mills. The Bombay millowners, in spite of their numerous follies, I must say, are not doing well, and it is no

use transplanting European ideas to India causing sympathetic strikes, be it in the mills, be it in the steel works, or be it in the railways. As soon as my friends, the representatives of labour, digest these foreign ideas and adjust themselves to Indian conditions of industry, they will have the full sympathy of men like me who are so much interested in the development of industries and in the prosperity of the working classes and masses in India. I do hope that my Honourable friend, the Member for Industries and Labour, will not take the cue from the representatives of the Bombay Millowners' Association and stop his activities in the field of amelioration of the social condition of the working classes. I hope he will go on doing more and more for the benefit of the working classes as long as he does not revolutionise and stop the prosperity of the industries of India.

Mr. V. V. Giri (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Mr. President, I do not desire to make a long speech. I am grateful to you for giving the fullest opportunity to all sides of the House for expressing their views to the fullest extent on a measure of far-reaching character affecting the interests of the workers. I desire to make a few observations as a member of the Party to which I have the proud privilege and honour to belong.

My friend, Sir H. P. Mody, referred to the long list of legislation passed during the last few years and thanked and congratulated the Honourable Member in charge of the Bill for the wonderful work that was done in the cause of labour legislation. I would like only to state this, that the labour legislation that was put through was long overdue and all the recommendations of the Royal Commission have not yet been put into effect, and, after all, I am sure, the Honourable Member in charge does not demand any thanks or gratefulness for doing his duty. I can assure you from this side of the House that, if we have done our duty by our country, we do not expect grateful thanks from anybody, but we are prepared to be criticised for work not done. I should like to say a few words on behalf of the Party to which I have the honour to belong. The Congress members in the Select Committee took a very active part in the different stages of this Bill, and their only desire was to get the greatest measure of common agreement, and, it was in that spirit, that they signed the Report of the Select Committee and were instrumental in making some good changes so far as the report was concerned. At the same time, the Congress Members in the Select Committee made their position quite clear in the dissenting report that they have signed, firstly with regard to the wider application of this measure to other industries and factories which, in their opinion, could be done here and now. Secondly, they have referred to the question of the introduction of fortnightly wage payment and they felt that that could also be done especially in view of the fact that the Royal Commission on Labour made it quite clear that it is in the interests of the workers of this country to introduce weekly payment in industries and factories. I do hope that, so far as these two things are concerned, early legislation will be introduced by the Government. So far as the Bill itself is concerned, the members of the Party to which I have the honour to belong feel that this amendment now introduced by the Government is of a very reactionary character and it would not commend itself to the workers and we feel on this side of the House that we could neither bless the Bill nor commend it to the workers. I only hope that,

[Mr. V. V. Giri.]

at least in the Council of State, the Honourable Member in charge of the Bill will drop this amendment altogether, so that the workers might feel that the measure, though of a very moderate character, has been introduced in the spirit in which the Honourable Member introduced the Bill in the first instance.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan): I rise to express my greatest dissatisfaction with this Bill as it has so far emanated from this House. I am dissatisfied with this Bill, not only because of that far-reaching amendment which was passed only the other day, but also because it does not go far enough in many other directions where the workers' interests could have been promoted. Sir H. P. Mody was saying that this Bill was going too far and in that he agreed with my Honourable friend, Mr. James, and thereby proved that, as far as capital is concerned, there can be no difference of colour or country and there can be no clash in the patriotism of different people belonging to different countries. My Honourable friend, Mr. James, admitted that for a very long time British capital has welcomed labour legislation in this country, but, at the same time, he warned the House, as well as the public, that we should not go too far in this direction of passing labour legislation and we should remember one difficulty of Indian industries, that as they stand to gain only in one respect today, that is cheap labour, they stand to lose in that respect if we were to progress very fast in our labour legislation and thus make Indian labour more costly for Indian capital. This only proves how public opinion in capitalist England has changed towards Indian labour. For a long time it suited the British capitalists to try to promote the passing of labour legislation in India, because they had to compete with Indian capital, and, in that competition, they wanted to make Indian labour as costly as possible in the hope of being better able to compete with Indian industries. Now that they have come to an agreement with Indian industries through that Lees-Mody Pact, they have lost their interest in Indian labour, and they have come to think that they need not try to woo the Indian labour since Indian capital anyhow has come into their own pocket and no wonder we are faced with the sequel that, soon after the Lees-Mody Pact was adopted by the Government of India, the Government of India also have imbibed that new spirit that has come to prevail in the sphere of inter-relations between British and Indian capital, and, therefore, they have grown enthusiastic about Sir H. P. Mody's amendment and have swallowed it wholesale and have even improved upon it and made it more poisonous than it was intended by my Honourable friend, Sir H. P. Mody.

Sir, my Honourable friend, Sir H. P. Mody, accuses the Government of India and Sir Frank Noyce of having gone too far in getting too many Acts passed in the interests of labour, but he does not mention the failure of the Government of India to undertake the legislation suggested by the International Labour Office and the Labour Conferences during the last five or six years. He does not tell us, he does not even care to remind us, of what the Government of India have done in regard to the unemployment insurance convention, the maternity benefit convention, the glass-workers' convention and also the suggestion of the International Labour Office that statistics should be collected regarding unemployment in this country and sickness and health insurance for workers. I need not try to

narrate several other matters in regard to which the Government of India have failed to come forward with the necessary legislation in order to help industrial labour; but, Sir, even if we were to consider this Bill on its own merits, we find that it does not go even as far as the recommendations of the Royal Commission on Labour. That Commission recommended the introduction of weekly payments in this country, and this Bill does not have weekly payments and it does not even accept fortnightly payments, as was suggested by several Members of the Select Committee, but maintains monthly-wage payments which are inimical to the interests of workers, as has been admitted by the Royal Commission itself. It may be that the Royal Commission did not go to the extent of recommending the necessary legislation for making weekly payment a statutory obligation on the part of employers, but they expressed themselves in favour of weekly payments, and they only expected the Government of India to take the earliest opportunity of implementing that reform, but the Government of India do not even think of insisting upon fortnightly payments.

Then, I come again to the question of having gone too far. I need only remind this House that more than a hundred years ago the first Act was passed in England to insist upon cash payments: and it is only today, in 1936, that we are thinking for the first time of insisting upon cash payments for workers,—that is, more than 104 years after it was done in England! Sir, if we try to compete with the industrial nations of the world, and if we try to compete with England, in particular, in industrial matters, I do not see any reason why we should not also try to compete with England in this kind of labour legislation,—at least in passing a piece of legislation which is really claimed to satisfy, in certain parts only, the minimum requirements of labour,—after the British labour demands were satisfied in that respect 104 years ago!

Then, again, this Bill really does not go far enough; it only covers those workers employed in the big industries; it does not really cover, it does not really seek to help, all those thirty million workers employed in cottage industries; they are not even brought within the scope of the Factories Act, not even of the Workmen's Compensation Act, and those workers are still to be left out of the scope of the Bill.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should remember that today is Friday and we have to rise early.

Prof. N. G. Ranga: . . . and agricultural workers need the protection of the State to a very much greater extent than industrial workers; and I requested the Honourable Industries and Labour Member, when this Bill came up for its second reading, to try and see how far he could help agricultural labour; and not a word is mentioned here when and how agricultural labour can be expected to be brought within the scope of this Bill.

It cannot be maintained that it is really too early to think of bringing those labourers within the scope of this Bill, because the world is progressing very fast, and, even in a conservative country like England, in regard to agricultural matters and in regard to agricultural labour, we have come across a Government proposal being placed before the House of Commons to ensure that agricultural labour in that country, who number as many as 7½ lakhs, are to be insured there against unemployment; and yet we

[Prof. N. G. Ranga.]

are asked not even to think of protecting agricultural labour in regard to this most elementary and most primary need of labour, viz. the payment of wages. Sir, as far as England is concerned, agricultural labour was brought within the scope of the Act of 1887, that is nearly fifty years ago, and we are asked not to do anything to protect them.

Then, there are these funds to be created out of realizations of fines imposed and we are told that these funds are to be administered hereafter not by the representatives of labour but by the employer themselves and the suggestion made in the Select Committee that such funds should be administered by the representatives of both labour and capital has not been accepted by this House. We are told, I am informed, that such funds are usually being administered on the Railways by the representatives of employers as well as of employees, and in other cases the employers try to administer these funds as impartially as possible and in the interests of labour, but I am made to feel rather suspicious of the manner in which in other industries most of these employers utilize these funds and administer them because of a recommendation made by Sir H. P. Mody in his minute of dissent in regard to the disposal of these funds. He takes very strong objection to the proposal that these funds are to be administered by the representatives of the workers.

Mr. President (The Honourable Sir Abdur Rahim): All these matters have really been already considered exhaustively and should not be gone over again now, at the third reading. The House has considered the provisions of the Bill already.

Prof. N. G. Ranga: I, therefore, state my dissatisfaction even with this provision; I want also to place it on record that no group of agricultural labourers and no group of industrial labourers can be said to derive any benefit at all from this Bill, nor can they be said to approve of this Bill especially with that obnoxious amendment; and whether we are able to defeat this third reading or not, I want it to be understood clearly that labour at this stage cannot approve.

Mr. M. S. Ansy: Are you opposing the third reading?

Prof. N. G. Ranga: I would like to, if I can. Sir, our labour at this stage cannot approve of this Bill at all, nor can it associate itself with this Bill. And I want it to be placed on record that, in spite of their protests, Government as well as the employers, who both seem to be very proud of their newly-consummated marriage (Laughter), have to thank themselves for foisting this legislation on the country.

The Honourable Sir Frank Noyce: Sir, my Honourable friend, Sir Hormasji Mody, has forestalled me. I had intended to say exactly what he did in the same words regarding the curious manner in which my Honourable friend, Mr. Joshi, registered his enthusiasm for the Bill. Until the day before yesterday, I had not the faintest idea that this Bill had met with his approval. I shall know another time when I bring forward any labour legislation in this House and he criticizes it from beginning to end that it really has his strong support and that he is expressing his cordial approval of what we are doing.

Sir, my Honourable friend, Sir Hormasji Mody, took us back to the days of the Roman Empire. I do not propose to go so far back as that, but his attitude towards our programme of labour legislation reminds me of the story of Queen Elizabeth who once sent her Vice-Chamberlain to the House of Commons with instructions that they should pass no more laws as there were many more already which could be well executed. My Honourable friend, Mr. Ranga, on the other hand, accuses us of not passing enough laws. If the programme he has outlined for us were adopted, this House would not only sit every day in the year, but would sit 24 hours every day.

Prof. N. G. Ranga: Why not do so like the British Parliament?

The Honourable Sir Frank Noyce: The attitude of the Government of India will continue to be what it has been in the past. They will do their best to keep the balance even between the two extremes and they will go steadily ahead. But I can assure my Honourable friend, Sir Hormasji Mody—now that he is back in his seat—that he will get a short respite. After the amendment of the Trades Disputes Act which he mentioned as our next big piece of work, we shall turn our attention to unregulated factories and he will not come into the picture.

Sir H. P. Mody: Thank you.

The Honourable Sir Frank Noyce: This question of unregulated factories brings me to the point raised by my Honourable friend, Mr. James. I am a little puzzled at what he said about this Bill. If I took him down correctly, he asked us "Could not the evil be tackled at its root first, rather than at the top, spreading out your net so wide with the result that many of the industries in which the evil is really rampant have entirely escaped?"

It is a little difficult to reconcile the two points of view, expressed in that sentence. On the one hand Mr. James accuses us of spreading out our net too wide and on the other hand, he accuses us of not spreading it wide enough to catch a very big fish. I take it that when he refers to the industries in which the evil is really rampant and says that they have entirely escaped, he is referring to the small non-regulated factories.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can resume 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. President (The Honourable Sir Abdur Rahim) in the Chair.

The Honourable Sir Frank Noyce: Sir, when the House rose this morning, I was about to express my sympathy with my Honourable friends, Mr. Joshi and Mr. James in their view that the smaller factories should be

[Sir Frank Noyce.]

brought within the purview of this Bill. But I can only repeat in that connection that it would have been inexpedient to do so at this juncture. The first thing to be done with the smaller factories is to bring them under a Factories Act. To apply a Payment of Wages Bill to them now would mean that we should be very much in the position of a man who built the first floor of his house without constructing the ground floor. We want something solid on which to work before we can proceed. My Honourable friend, Mr. James, talked about their escaping entirely. That is not quite accurate. They can, and one hopes will, in due course, be brought within the purview of the provisions of this Bill. My Honourable friend shakes his head but, as I explained to the House just now, we do propose to turn our attention next to non-regulated factories in which we realise there are great evils; and when we have done so, when we have improved the conditions under which the people work in them, then will be the time to apply provisions regarding the prompt payment of wages and deductions. There is one point arising out of Mr. James' speech to which I should like to refer. I should like to emphasise that this Bill, as it has now emerged from this House, will not in any way affect prejudicially the welfare work which is done by employers. The amendments which have been made in the course of its passage make that position, I think, abundantly clear. And I should like to take this opportunity of associating myself most warmly with the tribute that Mr. James paid to the welfare work which is done in the Buckingham and Carnatic Mills. It was my privilege to be shown round them when I was in Madras last year, by Mr. Kay; and I could not help feeling, when a few days later I heard the sad news of his tragically sudden death, that it was not unconnected with the way he spent himself heart and soul in improving the lot of the work-people in the Buckingham and Carnatic Mills. The reason I wish specially to mention that work is that there is nothing charitable about it, there is nothing of the "Lord Bountiful" about it. It is based on a very close study, a lifelong study, which was made by Mr. Kay who had, I think almost since its inception, devoted all his energies to it. It is based on a close study of the psychology of the worker. Its object is to get the best you can out of him. It does not impinge in any way on his self-respect; on the other hand it is intended to enhance it. It is intended to make him feel that he is a useful member of the body politic and to train him in citizenship. There is much in it which affords a useful lesson to all other employers and, if I may say so and I should like to say so with some emphasis, to labour leaders.

The only point in Professor Ranga's speech to which I should like now to refer is his complaint that this Bill does not touch the agriculturists. I should like to remind him that it was at the instance of a member of his own Party and with the full consent of that Party that an amendment was accepted by these Benches, making it very clear and definite that the Bill does not touch agriculture.

Now, Sir, just for a moment I should like to turn again to my Honourable friend, Mr. Joshi. I gather that his attitude towards this Bill is very much that of an employer who is presented with a piece of spoiled cloth. He would like to throw it back on our hands or, failing that, would like to make a substantial deduction from our wages. The real difference between Mr. Joshi and Professor Ranga and myself is that they are men of war and I am a man of peace. (Laughter.) They always approach these questions from the point of view of industrial warfare; I approach them from

the point of view of industrial peace. My Honourable friend, Mr. Joshi, thinks that by accepting this amendment we have placed a weapon in the hands of the employers which may prolong strikes once they have begun. He may be right or wrong about that; but our object in accepting it was to prevent their beginning. That is the difference between us; it is an honest difference; and there I must let the matter rest except to stress once more, as my Honourable friend, Mr. Clow, did, that although the acceptance of this amendment may place the work-people in a more unfavourable position than they would have been had the report of the Select Committee been accepted, it places them in a more advantageous position than they are in at present and will be until this Bill becomes law. And I would point out, Sir, that any measure which has received the approval of Mr. Joshi to the extent that this one has done,—with the exception of what he regards as a serious blemish upon it,—must represent a substantial advance from the point of view of labour. Mr. Joshi said that if we had not accepted Sir Hormusji Mody's amendment, he would have regarded the Bill with enthusiasm. That means that it really is a good Bill from his point of view.

Now, I have only one further point to make in conclusion and that is to refer to what my Honourable friend, Mr. James, said about the possibility that the Bill may produce unexpected effects. Mr. Joshi also stated his belief that the effects of the proviso which we inserted on Wednesday would not be those we anticipated. It is precisely because I am aware that, with a completely novel and rather intricate measure of this kind, one is likely to be confronted with unexpected results and unforeseen difficulties that I called this an experimental Bill. We have done our best to evolve a sound and workable measure but even if every detail were of our own choosing,—and I must frankly admit that in some respects I deferred with a little reluctance to the Select Committee's views,—we should be the last to claim any infallibility and I can assure both Mr. James and Mr. Joshi that if its working produces undesigned and undesirable developments of any importance, we shall not hesitate to approach the House for changes in it. You must be prepared to proceed in a case of this kind by trial and error, in some respects, and that means that you must preserve a readiness to see and acknowledge errors and a willingness to set them right.

In conclusion, Sir, I thank the House very warmly for the assistance we have been given in getting, what, as I have said, is a very complex and intricate measure through its various stages in this House, and I should like to pass on in very full measure the congratulations of those Members who have congratulated me to my Honourable friend behind me who has spent an infinite amount of time and trouble and a good deal of midnight oil on the Bill in all its stages and to whom such credit as may be due to Government is mostly due. (Applause.)

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

"That the Bill to regulate the payment of wages to certain classes of persons employed in industry, as amended, be passed."

The motion was adopted.

THE ITALIAN LOANS AND CREDITS PROHIBITION BILL.

The Honourable Sir James Grigg (Finance Member): Sir, I beg to move:

"That the Bill to prohibit the making of certain loans and credits be taken into consideration."

This measure, though it may deal with very large issues, has a very small scope so far as India is concerned. It does not in any way purport to deal with those sanctions which impose direct prohibitions on the interchange of commodities. It merely concerns the financial sanctions, and these in themselves amount simply to the prohibition of making loans or giving credits to Italy. These sanctions were, of course, as the House will remember, the earliest decided upon by the League of Nations. I say 'decided upon' advisedly, for once the League had declared Italy to be an aggressor in the Italo-Abyssinian dispute, the imposition of these sanctions by India follows directly upon her obligations under the Covenant. It will not be out of place here to remind the House that there are as many as 52 States who have actually imposed these financial sanctions. The Legislature itself was not in Session when the League came to this decision and it was, therefore, necessary to issue an Ordinance to give effect to them in India. This Ordinance was operative as from the 18th November. The Ordinance will, in the ordinary course of events, expire at the end of six months, and, as it seems possible, indeed I am afraid probable, that the war will last for longer than that time, it is necessary to come to the House to extend the operation of the sanctions by means of this Bill. The House will also remember that simultaneously with the Ordinance a press notice was issued to explain the effect of these financial sanctions and their exact scope. To sum up, the Bill prohibits loans or credits to, first, the Italian Government, secondly, any person of whatever nationality residing in Italian territory, and, thirdly, to any body corporate, wherever resident, which is incorporated under the Italian law. It does not in any way prohibit remittance or other banking business with Italians in the broad sense that I have mentioned except in so far as this business involves the grant of credit in any form. There have been, I may say, very few enquiries as to the exact scope and intention of the legislation in particular cases, and that may mean either that our explanatory circular is so very careful that it covers all possible contingencies or, as I think is more likely, it may mean that even before the financial sanctions took effect, or even apart from the financial sanctions, either the interplay of economic forces or the other class of sanctions—the economic sanctions—which deal with the prohibition or places restrictions upon the movement of goods have reduced the interchange of goods to very small dimensions. That is all I have to say, Sir, at this stage on the purpose of the Bill. But it might possibly shorten discussion, at a later stage, if I might say a word in regard to Mr. Ayyangar's amendment. That amendment is quite unnecessary. Paragraph 5 of the press notice to which I have referred, says:

"Customary settlements of account in connection with insurance contracts, stock exchange transactions, railway clearings, etc., are not affected by the Ordinance."

Sir, I can give him the most explicit assurance that the class of business he has in mind is already excluded from the scope of the Bill, and perhaps with that assurance he may find it unnecessary to move at any rate one of his amendments. Sir, I move.

(872)

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

"That the Bill to prohibit the making of certain loans and credits be taken into consideration."

Mr. B. Das (Orissa Division: Non-Muhammadian): Sir, as far as I can recollect, this is the first measure arising out of the recommendations of the League of Nations that has been brought on the floor of this House by the Government.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadian Urban): Why, what about labour legislation?

Mr. B. Das: Labour legislation was recommended by the Royal Commission on Labour.

Mr. President (The Honourable Sir Abdur Rahim): The Chair understands that there is a notice of amendment, to refer this Bill to a Select Committee, in the name of Mr. Ayyangar, but he has not given any names of Members

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadian Rural): In view of the statement made by the Honourable the Finance Member, I do not think it is necessary to make a motion for Select Committee.

Mr. B. Das: My Honourable friend, Sir Cowasji Jehangir, reminds me that there has been social and labour legislation and recommendations of the International Labour Office, and those came direct from the League of Nations. I am here not speaking of that half of the League of Nations, the International Labour Office. I am referring particularly to the League of Nations, that gathering of old women, situated at Geneva, who meet at times to deliberate upon and when they get frightened of a cannon shell or bomb-shell from Italy, they issue sanctions. Then, this Government of India come to us and introduce a piece of legislation to show that the sanctions have popular support. Sir, if I may speak out my mind. I am opposed to this piece of legislation, because, if India is a Member of the League of Nations, India should enjoy her full rights. Has India been consulted at every stage during the course of these negotiations? Who represented India? If we ask the Government of India to raise a debate on the work of the Indian delegation to the League of Nations, the Government of India, through their spokesman, the Leader of the House, always want to know if all Parties in the House are agreed that there should be a debate on that subject on the floor of the House. Somehow, the Government of India have so far not been satisfied that there is a unanimous desire that this House should discuss the action of the League of Nations from time to time—at least once a year. Sir, I would like to know from the Honourable the Finance Member or from my Honourable friend, Sir Aubrey Metcalfe, the Foreign Secretary, whether at every stage of development the League of Nations consult them or whether my Honourable friend, the Foreign Secretary, ditto what the British Foreign Office say, because he receives a command from his master, the Secretary of State for India. Why is this body of old women so alert and active now? They are thinking of a sanction against Italy. Of course, I am against Italy. I do not conceal that fact, I did express it on the first day

[Mr. B. Das.]

the House met at Simla, that Italy has been insulting the Asiatic nations, including us, Indians. But why is the League of Nations so much anxious to apply sanctions against Italy, and if the League of Nations want to apply their sanctions, who represented India when those negotiations took place? Are we only subordinates of the British as is often told by European nations that visit Geneva? What is the use of our being an original member of the League of Nations? The representatives of the British dominions and the representatives of India always say ditto to what the British representative does. I would rather get out of the League of Nations than always be saying ditto to what the British representative at Geneva does. Will that suit your masters? What is my accusation against the League of Nations? If the League of Nations is so much alive and alert towards the well-being and towards peace throughout the civilised world and among those who are original members of the League, why then did they not come forward with a measure of sanction like this when the Sino-Japanese war took place, when Manchuko was forcibly occupied by Japan? I want to know from my Honourable friend, the Foreign Secretary, here whether he represented the Indian public view to the British Foreign Office, that India would welcome this body of old women at Geneva to interfere with the forcible occupation of Manchuko by Japan, and I would have admired the civilised nations if they had exercised sanction against Japan. They were sleeping then: they had not the courage, they had not the guts to tell a powerful Asiatic nation that she was doing something wrong. But today they realise they are holding a candle near a powder magazine: they realise, their own lives are in danger. The proper name for this League of Nations should be "League of European Nations". The League of Nations is controlled by the five big European Powers who are controlled in turn by the five small powers, the five Balkan powers—I might explain how these small powers control the five big powers, but I do not like to dilate upon that subject just now. Nobody wants another war and the five big European Powers are fighting to avoid war against each other. I do not want war . .

The Honourable Sir James Grigg: Except with Japan!

Mr. B. Das: I do not want war with Japan; but I want to know, if this body is a judicial body, if it has got any power—my own view is that it has got no power—why did they not exercise these sanctions against Japan when Japan took away forcibly Manchuko from China? What is happening now? These five big European Powers want to stop further bad blood in Europe: they would like very much that Italy and Abyssinia should come to certain terms; but if they do not—we all know how the British Foreign Office bungled and it was due to the bungling of the British Foreign Office that Italy and Abyssinia could not come to certain peace terms

The Honourable Sir James Grigg: I thought it was the force of public opinion in Britain.

Mr. B. Das: Yes, I agree there. So, Sir, on principle I am opposed to this Bill

Sir Aubrey Metcalfe (Foreign Secretary): The Honourable Member says "on principle": may I ask the Honourable Member to explain the principle, in case I can reply to it?

Mr. B. Das: It is this: the Government sitting on that side care very little for the opinion on this side: they never allow the League of Nations and their policy to be discussed on the floor of this House; and it is because this Ordinance cannot be renewed by His Excellency the Governor General that the Honourable the Finance Member comes forward to take our sanction, so that if the war continues for another year or two, the responsibility of the elected representatives is secured for this Bill—this small sanction that he wants from this House. But I, as an elected Member, would not like to take any responsibility for passing this Bill. The Governor General has the power to issue Ordinances. He did issue so many Ordinances to send so many of my brothers to jail—but that is a domestic matter. Here it is a matter relating to the League of Nations. I put a straight question to my Honourable friend, the Foreign Secretary: does he permit us to put a question on the floor of this House about our relations with foreign territories? He quotes chapter and verse from the Manual of the Legislative Assembly to say that this question should not be allowed on the floor of this House. I know my friend is feeling uncomfortable in his seat

Sir Aubrey Metcalfe: Not in the least.

Mr. B. Das: I am very glad to hear that; and I should be very glad if my Honourable friend will imitate the Right Honourable Mr. Eden as he speaks in the House of Commons and takes the Members of Parliament into confidence about foreign relations, so also he will take that initiative here—I think the new Government of India Act, when it comes into operation—Heaven knows when it will—probably in 1940—but when it comes into operation, whoever may be the counsellor in charge of external affairs will have to take the House occasionally into confidence about external affairs

Mr. M. S. Aney (Berar Representative): Are you quite sure?

Mr. B. Das: I have tried to study the Act only this morning (Laughter) about this particular subject of external affairs, and how my Honourable friend, Sir Aubrey Metcalfe, would behave then—I feel he would put on an even more Sphinx-like face and say "Gentlemen, these are our relations with Afghanistan, Nepal or some other country". Why does not the Foreign Secretary take this House into confidence and occasionally impart information?

Sir Aubrey Metcalfe: I have had no chance.

Mr. B. Das: My friend admits his deficiencies and limitations that he has no chance

Sir Aubrey Metcalfe: I am waiting for the chance.

Mr. B. Das: I know my Honourable friend for the last seven or eight years. I knew his predecessors before that. All of them missed the golden opportunity, and I am glad that today it is not 1940 where some of us are.

[Mr. B. Das.]

Sir, I am opposed to this Bill; but, talking on its merits, my question is, if sanction is to be applied against Italy, why is it not full sanction? I want to know from my Honourable friend, the Foreign Secretary, when is the oil sanction going to be applied? Why is it not full restriction, so as to completely shut off Italy from any communication with any Member of the League of Nations? If sanction is to be applied, let it be full sanction, so that the Italians may not fly aeroplanes over the Abyssinians for whom, Sir, I have full sympathy, and let me hope that they may give the Italians a good hiding.

There is another point on which I should like to have a reply from Sir James Grigg, and it is this. I would like to know whether anybody who has his wife and children in Italy can remit money to Italy for their maintenance.

The Honourable Sir James Grigg: I said quite specifically that remittance business is allowed.

Mr. B. Das: Then, again, Sir, suppose the Finance Member holds a few shares in an Italian Company, and suppose he has paid only one or two instalments and the other instalments are due, can he pay those instalments

Mr. M. S. Aney: He cannot.

Mr. B. Das: Suppose he is not permitted to pay those instalments, then what follows? Similarly, supposing a few Indians or Britishers living in India have some shares in a company which is operating from Italy, will the dividends declared by the Company be permitted to be paid in this country to the shareholders in India

The Honourable Sir James Grigg: The Honourable Member keeps on giving examples of remittance business which, as I said, is not in the least affected. What is there in the transactions he has mentioned which can be described either as a loan or credit?

Mr. B. Das: I want to know whether the Italian Government will not retaliate and stop all the gold my friend, Sir James, or others may be drawing from Italy by being shareholders of some company or companies?

Then, the other point is this. There are a few Italian Companies which have converted themselves into Limited Companies in India and who are working in co-operation with Indian businessmen, and I want to know whether working in those companies and remitting money through those companies is forbidden. It may be only the transmission of money of the Italian shareholders of that company to those companies operating in India to Italy, and I should like to know whether that is prohibited by the Government of India

The Honourable Sir James Grigg: The Honourable Member is still giving examples of remittance business which has nothing whatever to do with loan or credit.

• **Mr. B. Das:** If there is to be a war with Italy, then we must sever all connection with that country; I would welcome a war with Italy, but my brain cannot follow these partial, limited or limitless sanctions to loans and credits, and not to remittances by Italians or others who have invested money in India in Italian companies operating from Italy. What I feel is that such business remittances will be utilised as loan or credit to Italian Government and Italian people. I am, therefore, opposed to these partial or limited sanctions. I am opposed to this Bill, not because I am not opposed to Italy, but because the League of Nations and Foreign Affairs are subjects that this House have been denied the privilege to discuss.

I will take now, Sir, a parallel instance. It is often trotted out that we are members of the British Commonwealth of Nations, a smaller League. If we are treated as pariahs as a Member of the League of Nations, we are treated worse in the British Commonwealth of Nations. Will my Honourable friend, the Finance Member, or the whole of the Treasury Bench apply similar sanctions in the case of Zanzibar where Indians are treated shabbily today?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must confine himself to the Bill before the House.

Mr. B. Das: I am discussing, Sir, how even the British Commonwealth of Nations is not functioning properly. With these observations, I oppose the passing of this Bill, and I strongly advise my friends in this House not to take any responsibility in this matter, but leave the whole responsibility to the Governor General, the British Secretary of State, and the British Foreign Office, and let them do what they like, as so far they have been doing.

✓ **Mr. S. Satyamurti** (Madras City: Non-Muhammadian Urban): Mr. President, this is the second time, in the course of the same day, when this House is presented with a Bill which, like the curate's egg, is good in parts. The Honourable the Member for Industries brought forward the Payment of Wages Bill, which was neither good enough to be accepted enthusiastically, nor bad enough to be rejected unceremoniously. Similarly, Sir, we have the Honourable the Finance Member's Bill to prohibit the making of certain loans and credits, which is neither bad enough to be rejected nor good enough to be accepted enthusiastically.

My second difficulty is this. We are asked solemnly to state this:

"Whereas it is expedient in pursuance of the obligations imposed on India as a signatory to the Covenant of the League of Nations by Article 16 thereof,"

At once my head is raised high. I feel as if I am really an original member of the League of Nations with all its rights, responsibilities, and obligations. At once, Sir, I am drawn to Mother Earth, and this drab book, which is called the Manual of Business and Procedure in the Assembly, stares me in the face; at page 14, I am told, Mr. President, I shall not ask any question with regard to any matter "affecting the relations of His Majesty's Government or of the Governor General in Council with any foreign State". Then, I am told, Sir, at page 25, that I shall not introduce any measure "which concerns the relations of Government with foreign powers", and the last, I am told, at page 48, that I shall not move ✓

[Mr. S. Satyamurti.]

any Resolution "on any matter affecting the relations of His Majesty's Government or of the Governor General or the Governor General in Council, with any foreign State". I think, Sir, the anomaly cannot be made more complete. I am asked in one breath, as a sentient human being, to exercise my judgment and vote, and to say that India, as an original member of the League of Nations, shall vote for this Bill and accept its implications, but I can raise no question as to why did Italy go to war with Abyssinia, and what is Great Britain's attitude in this matter. These are all matters which are kept absolutely outside the scope of this House.

My friend from Orissa referred to the Government of India Act and tried to picture the future. I slightly differ from him. My friend, the Foreign Secretary, may be here or may not be here, that is to say, in the House which will take its place, and if anybody corresponding to him is here, let me assure him that he will be far less responsible, than even the present Member is. As I read the Government of India Act, even the little control we have over foreign affairs is going to be removed altogether from our hands. That being so, I now proceed to state what I conceive to be the real position with regard to these foreign affairs, so far as India is concerned; and on that matter I may say that, in countries which are really original members of the League of Nations other things happen. A sick man went to Paris, negotiated with the French Foreign Secretary for some settlement by which Abyssinia could be swallowed by Italy with certain formal funeral ceremonies. Unfortunately or fortunately, the Paris Press published those proposals, and this sick man, who was riding like a Colossus over India for nearly four years and ignored public opinion had to be dismissed as a sick man, whereas in this country, the Foreign Secretary will go on for ever, whatever the vote of this House may be, whatever public opinion may be. I ask, is it fair to this House that we should be asked to enact this solemn farce of being a party to a Bill in the origin or the ultimate effects of which we have no part or lot? Coming to the actual preamble, we have this sentence: "imposed on India as a signatory to the Covenant of the League of Nations by Article 16 thereof". What is my position in that League? I tried to cross-examine the master-sphinx of the Treasury Bench, the Honourable the Leader of the House, who, I see is taking his well-earned rest (Laughter), but he always goes off at a tangent, and says, "I refuse to answer the question", and this phrase "in the public interest" is becoming, in the words of the Industries Secretary, a complete smoke-screen for all the activities, beneficent or otherwise, of the Government of India. Every time they are cornered, and they refuse to answer a question, they take shelter behind "public interest". My Honourable friend told me the other day that India has a free vote in the League of Nations. I asked him what that free vote was. His answer was that they prepare a brief, send it on to their master, the Secretary of State for India in London, and he prepares another brief, and those briefs are sent to the representatives of India in the League of Nations, and they are free to take whatever line they like on those briefs. Then I asked him whether the Government of India and the Government of Britain had ever differed. He refused to answer that question.

Mr. M. S. Aney: He said there was an understanding and that they were expected to act on those briefs.

Mr. S. Satyamurti: I wanted to know whether the Government of Britain and the Government of India ever differed on any of these matters, and I was told that he would not give me an answer.

The Honourable Sir Nripendra Sircar (Leader of the House): That is not correct. I did answer the question.

Sir Cowasji Jehangir: One is a subordinate Government of the other. How can they differ?

Mr. S. Satyamurti: If the Honourable the Leader of the House takes the words of my Honourable friend, the Baronet from Bombay, I am quite content. That was the point I sought to make—that India today in the League of Nations has no free vote, and, for that particular reason, the Government dare not answer my question, and they dare not confess their humiliation so blatantly; my sympathies are with them. But I think I am entitled to draw the inference, this House is entitled to draw, the country is entitled to draw, that India in the League of Nations is only one more vote for Great Britain, and, therefore, I raised the point. To ask me "as an original member of the League of Nations and as a signatory to the Covenant" to pass this Bill is an insult to my intelligence. I put it to my Honourable friend, the Finance Member, who is a little franker than his Colleagues, to say if I am not right. Had he any share in this? Is he not carrying out his master's orders? In his case, his masters do not differ from those whom he served some years ago; but so long as he is a Member of the Government of India, I want to know whether he is not really carrying out the orders from London, or whether this Government as a sentient entity had any voice in this matter? I put it to him as an honest man to say that I am right, and that India had no free voice in the matter. Therefore, it seems to me that to ask us to carry out this covenant is merely asking us to register somebody else's decree.

Sir Cowasji Jehangir: Who represented India?

Mr. S. Satyamurti: It does not matter who represented. They are all slaves.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Some Rajahs or Maharajahs!

Mr. S. Satyamurti: Turning to the Covenant of the League of Nations to which reference is made, I want to read the preamble to that Covenant, and subsequent historical events supply the most tragic commentary on that preamble:

"The High Contracting Parties, in order to promote international co-operation and to achieve international peace and security:

- by the acceptance of obligations not to resort to war, (How often have people gone to war after this Covenant?)
- by the prescription of open, just and honourable relations between nations,
- by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and
- by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another."

[Mr. S. Satyamurti.]

As a result of this they entered into certain Articles. The important Article is:

"The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point . . ."

The latest budget of the British Government about increasing the services is the most eloquent commentary on the sincerity of 3 P.M. parties to this Covenant, that armaments should be reduced. Today there is not one civilised country in the world which has not increased its expenditure on armaments, Britain included:

" . . . to the lowest point consistent with national safety and the enforcement by common action of international obligations."

The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objection."

Nothing has been done, as I shall presently show. Article 10:

"The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League."

My Honourable friend from Orissa referred to the plight of China. I agree:

"In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled."

Article 11:

"Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations."

Article 12:

"The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or judicial settlement or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the judicial decision or the report by the Council."

I want to remind the House that Ethiopia, or Abyssinia, whatever name you call it by, is a member of the League, as original as India or Great Britain.

Some Honourable Members: No.

Mr. S. Satyamurti: I am sorry for the mistake. She was admitted later, but does it make any difference from my point of view? (Voices: "No.") I accept the correction, but I suggest that, in this case, the black race of Ethiopia set a nobler, a more moral, and a more dignified example of accepting the Covenant in its letter and in its spirit, than the white race of Italy; and I think for that, every white man in this

House must hang down his head in shame and humiliation. Today, the European who stalks this country as a superior race, for whom the Criminal Procedure Code provides trials by special juries, and for whom even in jails a special diet is prescribed even though he is a murderer or a blackguard of the worst kind—that European nation has treated the Covenant as a scrap of paper, while Abyssinia, as black as myself, or as brown as myself, respected this Article and submitted the dispute to the arbitration of the League.

Then, Article 13, sub-clause (4), is the next important thing:

"The Members of the League agree that they will carry out in full good faith any award or decision that may be rendered, and that they will not resort to war against a Member of the League which complies therewith."

There is one significant fact, Mr. President, that while the League of Nations was meeting, appointing committees, investigating, thinking, and cogitating, Italy was transferring munitions and men and war materials across the Mediterranean to the south. Can anybody deny that?

An Honourable Member: What about oil sanctions?

Mr. S. Satyamurti: I will come to that. If the great powers had shown common elementary honesty, this war would never have been resorted to, but the European powers are all robbers of the other occupants of the earth. I want to remind you and this House of Italy's irresistible answer to Great Britain, 'Physician, heal thyself'. If you can hold India, if you can hold Egypt by the might of your arm and exploit them today, where shall Italians go? They say, "We are an expanding population. We have no colonies. We must also go and colonise", and, therefore, one can understand the discomfort, the hesitancy, and the unwillingness of Great Britain to enforce sanctions vigorously.

Then, Sir, under Article 15, the members of the League are bound to submit points of dispute to the decision of the League, and today, as the Honourable the Finance Member admitted himself, Italy has been found to be the aggressor by the League of Nations. I should like to characterise her by a stronger word. She has made herself an outlaw among the nations of the world. Then, Sir, under Article 16, under which this Bill is placed before us, should any member of the League resort to war in disregard of its covenant, it shall *ipso facto* be deemed to have committed an act of war against all other members of the League. I presume that the House will agree with me that today Italy has broken all covenants under Articles 12, 13 and 15 and, therefore, she must be *ipso facto* deemed to have committed an act of war against all other members of the League, who hereby undertake *immediately* to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, and personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the League or not.

Now, Sir, my friend, the Finance Member, was good enough to tell me that under section 19 of the Sea Customs Act the Government of India carried out all the obligations of India by way of prohibiting exports and imports as decided on by the League of Nations. In that connection,

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and also in connection with this Bill, I should like to ask him a question for which I expect an answer. Sub-Article 3 of Article 16 says:

"The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimise the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the Covenant breaking State," etc.

I want to know what is the economic effect, or financial effect, of the enforcement of these sanctions so far as India is concerned, and whether this Government has made or proposes to make any claim to Great Britain in order to minimise the loss and inconvenience which may result to us from the adoption of the measures, namely, of restricting or prohibiting trade and financial relations?

Now, Sir, the next point I want to make is this, that, so long as the League of Nations goes on in its present composition and in its present attitude towards the problems of war and peace, we are not likely to get anything out of the attempt of the League of Nations to settle international disputes by arbitrament and not by recourse to war; for let us remember that this League of Nations was born out of the Great War, which was fought enthusiastically to end all war; but, unfortunately, the fact remains that "The victorious powers, after their victory, without trying to lay the foundations for a solid and enduring peace for humanity, used their victory for two purposes, to cripple their vanquished European neighbours and to extend their economic supremacy outside Europe. The United States 'developed' the rest of America, Great Britain and France competed for control of the Near East. Moreover, the treaty of Versailles was based on the now exploded theory of German guilt, with the result that Europe had a heritage of hatred and ill-feeling among the various nations who came into existence as a result of the war".

Then, Sir, so far as Italy is concerned, she has acted in all her dealings as if the League of Nations can be flouted without any fear whatever. Italy was offered, in return for her joining the war, various concessions which were not, however, given to her, and Italy felt that she was left out in the cold among the victorious allies, as a nation which did not get the best out of the war; and the result of it was that, the moment Mussolini came into power, he began to have a new foreign policy by which he sought to get what he thought was the right of Italy. "He rapped the knuckles of Greece, insisting on a heavy indemnity for the murder of four Italians in Corfu and shelling the island, without reference to the League of Nations, until it was paid. He refused to accept the Allies' creation of a Free State of Fiume and made a private arrangement with Yugoslavia, by which most of the province and part of the port became Yugoslavian, while Fiume itself went to Italy. He upset the Allies' creation of an independent State of Albania by lending its wretched inhabitants a sum which they could never hope to repay, in return for which they accepted Italian financial and military control". This is from a book by Hampden Jackson on "The Post-War World". He says:

"The real menace of Fascism to the rest of Europe lay in its unabashed militarism."

Having encouraged Italy more or less by its acts of omission, the League of Nations today stands helpless before the Italian War. Now there is no doubt that, in the post-war world, whether it be the problem of the economic crisis, or the problem of disarmament, or the problem of abolishing or at least controlling the private manufacture of munitions or of settling international disputes peacefully, the League has proved itself impotent. The World-Economic Conference met and failed. Disarmament conferences are meeting and are dispersing without doing anything; and, therefore, many people will be found to agree with this writer who makes this interesting and incisive survey:

"By the end of 1934 the efforts of the World in Conference to solve the problems of the age had met with no success. The crisis had shown the fundamental weakness of the League of Nations; no way was found to prevent nation arming against nation; none of the remedies which had been widely advocated as a cure of the great depression had yet been applied; international trade remained throttled, international rates of exchange were still fluctuating, the flow of international capital was still choked, prices were still abnormally low."

Therefore, Sir, I think it is now a little too late in the day for the Government of India to ask India, when she stands disillusioned, not only because of her own impotence in the Council of the League of Nations, but also because of the impotence of the League itself, to agree to this Bill which really is a faint attempt to vindicate the authority of the League of Nations against a well-known aggressor.

Now, Sir, what is our own position? Our own position is that, whatever may have been the past, today at least the oil sanctions should have been enforced, but what is the position? Sir, I see in this morning's *Hindustan Times* that the Committee of League experts is of opinion that, if the oil sanctions are universally applied against Italy, it will take about three months and a half to become effective. In the event of the League Powers applying the embargo, it will be effective after the United States limit the exports to Italy to the normal level which obtained prior to 1935. Without the United States' co-operation, the embargo by Member States of the League would only make the purchase of petrol by Italy more difficult and more expensive.

It seems, therefore, that the League of Nations, without enforcing what it can, namely, its own decision to impose oil sanctions, wants America to do likewise, before she can effectively enforce these sanctions. In this connection, I want to quote what two English papers, the *Manchester Guardian* and the *Daily Herald*, themselves say. The *Manchester Guardian* says:

"If the League should decide to impose the embargo in any event, it would immensely strengthen the position of those Americans who would not wish their country to have the distinction of nourishing an unjust war."

The paper adds:

"The imposition of the sanctions by the League Powers would reinforce the present sanctions. It is a strange reflection that, if only the League had acted with determination when those other sanctions were imposed, the war might now, according to the calculations of the Technical Committee, have been within a fortnight of its end."

I think, Sir, no more bitter commentary than this could be passed upon the hesitation of the League to do its duty. India, as you are well

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aware, also urges that the League of Nations should impose the oil sanctions. The *Daily Herald* says:

"The people of the United States are watching Geneva, not to see if it produces statistics, but to see if it takes action. Action and swift action is the only way to secure American co-operation. Even should there be no American co-operation, the oil embargo will make the waging of war more difficult and more expensive. That being so, let us get on with the job at once."

It seems to me that the nations have bungled all these months, and they have added suffering upon suffering, and today we are hearing harrowing tales of the War. Sir, during the Great War we used to hear stories of Germans committing gross brutalities, but today, Sir, we see uncontradicted accounts published by all papers, of all countries, that the Italians are bombing Red Cross units and hospitals, and that women and children are being killed. Surely, it seems to me that to wait at this juncture, after Italy has shown herself to be one of the most barbaric and uncivilized nations of the world, is wrong; (Hear, hear); that the other Members of the League, presumably acting in the name of the League of Nations, should hesitate to enforce the oil sanctions, which, even they concede, would prove effective, is certainly sad, and that is certainly not showing a gesture of honesty and international goodwill, for showing which alone the League of Nations was founded. There is no doubt that Italy has, as I say, proved herself an outlaw among the nations of the world, and the Ethiopians today, simple-minded people as they are, primitive as they may be, not endowed, it may be, with the higher reaches of civilization, are fighting gloriously with their backs against their wall in defence of their hearths and homes. Sir, today we also are slaves in our own country. If we were free, we would have taken such steps as we could have taken, in order to stop this barbarous war, and perhaps we would have been successful; but, situated as we are, we can only send, from the floor of this House, to the Ethiopians, our message of profound sympathy and goodwill and our best wishes that, in spite of all these man-made machinations, the nature of their own country, the bravery of their own simple people, and the magnificence of their loyalty to their Emperor will yet save their country from white domination by Italy; and I hope, Sir, that this House will carry that message to Ethiopians.

And I want to tell Great Britain one thing. If Great Britain wants peace, nothing is easier. She must wind up her empire of John Bull and Co. John Bull and Co. must go, and today, Sir, they must give up this earth-hunger, this desire to possess India, to possess Egypt, as long as they can. So long as there are rich countries exploited by certain white nations, other white nations must wish to have a finger in the pie. Today, the most fruitful cause of war is the presence of Imperialism, and the sheer exploitation that is going on among the nations of the world. Take away Imperialism, take away earth-hunger among the white nations and you remove the root causes of the war. I do not believe that the League of Nations, as she is constituted today, can ever afford to the nations of the world the solution which they are fighting for. We must really alter our own attitude towards the other nations of the earth, and I hope, Sir, that what I have said will be understood to mean that India wants to have a real, free vote in the League of Nations. India hopes

what she can have it only when she attains her freedom. They are working for it and, God willing, we shall get it sooner than our enemies imagine. (Hear, hear.) And when India is free, India will not ask a House—as my Honourable friend, the Finance Member, is asking, this piffing thing in order to enforce sanctions which, they know, will not be effective, and in spite of which, the war is going on, but will get up from its place and say to nations which are arrogant enough to flout the moral conscience of the world—as Italy is doing now—"you shall not do it, and we will use all our resources to stop that war". It is in that spirit that we shall go forward.

Sir, I have reason to believe that so far as these Benches are concerned, we have no real hand; and only when India is a really free member of the League of Nations, she can make a contribution, which she cannot now make, towards peace on earth and goodwill among men. With this message of hope and cheer to our Ethiopian fellowmen in Africa, between whom and us lies the great Indian Ocean, and with the desire that at least the views of this House might arouse the conscience of some European Powers so that they must not play at the League of Nations but use it to punish the aggressor and stop this inhuman, barbaric war, and with a view to vindicating Ethiopian sovereignty, I desire the Government of India to convey to the Secretary of State our feelings in this matter; and I hope that the vote of this House, which I am afraid cannot be against this Bill, will not be misinterpreted as our support of the inadequate action that so far Great Britain and India are taking. On the contrary, I should like to conclude on the note that we are disgusted with the way in which European Powers are quarrelling amongst themselves, so that they are unable to settle their quarrels and one of their own nations, Italy, is a sad example of the barbaric warfare of which the most barbaric nation ought to feel ashamed. That is all I have to say, and I hope that the Honourable the Finance Member and the Government of India will convey to the powers that be the strong feeling in this House that Italy is an outlaw, that Ethiopia deserves all the sympathy and support she can get, and that, if civilization is to survive and not to end in a holocaust in which women and children are killed by bombs, then Europe must assert herself and see that Italy must not go further, Europe tell her: "Bandit, thou shall be away, and shall not go further". (Loud Applause.)

Mr. F. E. James (Madras: European): Sir, I have listened with very great interest to my Honourable friend, Mr. Satyamurti's speech, particularly as it has enabled the House to listen to matters which are seldom discussed here; and anything I say in the course of this discussion must be taken as coming from myself and not necessarily as coming from the Group of which I am a member.

Sir, I have more than once felt that there has been a tardiness on the part of the Government of India to recognize the importance of the subject of the League of Nations to India in spite of India's anomalous position within that League. I quite appreciate the feeling on the part of many Honourable Members of this House of embarrassment with regard to this Bill, because the position of India, as a member of the League, is, quite frankly, a somewhat curious and anomalous one. It is, therefore, quite natural that when any measure comes before this House in pursuance of India's obligation under the Covenant of the

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League of Nations, Members should take the opportunity of pointing out the anomalous position of India and the somewhat difficult position of this House in regard to any decisions which they are asked to take in that connection. I will not spend much time in referring to the speech of my Honourable friend, Mr. B. Das, because, I think, on a balance his reasons cancel themselves out. At one moment he was urging such action as would embroil the whole of the Empire in War. The next moment he was urging that we should reject this Bill on the ground that the League of Nations had not yet come to the point of insisting upon the imposition of oil sanctions. At one moment he said that the League of Nations was doing too little, and at the next moment, he said that the League of Nations was doing too much and I was left in doubt as to what his real intention was in regard to the particular measure before the House.

Mr. B. Das: I oppose the Bill.

Mr. F. E. James: As far as my Honourable friend, Mr. Satyamurti, is concerned, his position is perfectly clear. He would like to be free to deal with this matter as a free country within the League. But he is not. Therefore, although he takes the opportunity of this discussion to point out that he is not free, in the sense in which he would wish to be, he is not prepared to take the responsibility of opposing this measure on the ground that he believes that by taking this position, he will indicate to the larger world that his sympathies at any rate are with the nation of Ethiopia. He dwelt at great length on the failures of the League of Nations, and I do not wish now to enter into a long discussion on the merits of the League, on its present constitution, on its past failures and on its possible future. But I welcomed that part of my Honourable friend's speech. This is the first time that I have heard a speech on that subject since I have been in this House. I would just say three things in regard to some of his observations. He condemned the League on three points. First because it had failed to stop the race for armaments, second, that it has failed to stop the recourse to war, and, third, because it had failed to stop the invasion of Ethiopia. I think that every impartial person would agree that in those three respects, the League of Nations has failed to achieve what is laid down in the Covenant of the League and to that extent every one of us must deeply regret it. I would, however, point this out to my Honourable friend that the League of Nations is not a super-organization. It is an organisation which consists of representatives of various Governments throughout the world. Therefore, it cannot undertake any responsibilities beyond those responsibilities which collectively the nations who are Members of the League will to undertake. You cannot impose the full implications of the collective duties undertaken by the Covenant unless there is at the same time a collective will. The trouble about the League of Nations at the present moment is that that collective will is absent. It is not the actual organisation of the League that is wrong. It is the motive power, the will behind the Members of that organization which is lacking to make it really effective.

Then, Sir, there is one other point which I would add to the reasons for the failure of the League and that, perhaps, applies as much to the case of the controversy about Japan as to the present controversy. That is the absence from the League of some of the greater countries in the

world. The absence of the United States of America has always been, ever since the beginning of the League's existence, a crippling factor in its constitution and in its powers. Today the absence of Japan and Germany are two very important factors in assessing the ability of the League to impose its will upon the aggressor nations. I would make this point and emphasise it as much as I possibly can. The conception of the League of Nations which came from the War is, in international relationships, an entirely new conception. On these matters the nations of the world are embarking, after the war, upon entirely uncharted seas. My Honourable friend, Sir Frank Noyce, this morning, spoke about the Payment of Wages Bill and the necessity of proceeding by trial and error. Surely if one looks at some of the achievements of the League in the last 15 years, one is entitled to say, that in view of the entirely uncharted seas which it has had to sail in those days, it has achieved considerable success. If out of the present conflict, the nations of the world are brought to realise the importance of collective action to a greater extent than they have done in the past, there is a possibility that the League, in the future, may achieve more than it has done today. My Honourable friend, Mr. Satyamurti, seems to think that there was no hope in the League, there was no hope in the world, until India became a free nation (Hear, hear) and taught the world her business. He seems to think that the greatest factor in the world for war today is the British Empire.

Some Honourable Members: Yes, yes.

Mr. F. E. James: Let me tell him this. With all its faults, the British Empire today, consisting as it does of the Dominions, and the United Kingdom in addition to its colonial possessions, is the greatest single factor making for peace.

Some Honourable Members: No, no. Question.

Mr. F. E. James: That is a factor which is recognised in many countries. It is recognised today in the East; it is recognised today in the West. In December, I happened to be both in France and later on in London while the "peace plan" was being discussed in both countries. As far as the position in France was concerned, the noticeable factor of the situation was the absence of public opinion on that question. When I sat in the House of Commons gallery and listened to the debate on the peace plan, the overwhelming factor there was that public opinion had chosen to assert itself. After that debate, an ex-Finance Minister of France put the whole matter very pithily when he said: "In my country, public opinion is looking round for a dictator; but in the United Kingdom public opinion has suddenly decided to do its own dictation." And what is true of public opinion in the United Kingdom is also measurably true of public opinion in the Dominions of the British Empire.

Mr. S. Satyamurti: What about India?

Mr. F. E. James: Where you have that united collective will in one collection of nations working for peace, going to the utmost limits, being prepared to stand behind strong measures for peace, then I think it is surely a gross exaggeration to suggest that that influence is an influence for war and not an influence for peace. As far as India is concerned,

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it is perhaps difficult to speak with any certainty, but I do believe this that public opinion in this country, from all that one can read and hear, is behind the measures in the implementing of which this Bill now before the House is one factor. I am equally prepared to recognise that public opinion feels that India's position in the League is unsatisfactory; and, therefore, my Honourable friends on the other side are, to put it quite frankly, on the horns of a dilemma. But I was very glad to find that my Honourable friend, Mr. Satyamurti, felt that on balance the public opinion that is present in this country sympathetic with all the actions that are being taken to put an end to the present disastrous war, should have a predominating influence in a decision on this matter. And I hope that the line that he has taken will be followed by the other members of his Party.

Mr. M. Ghasuddin (Punjab: Landholders): Sir, I rise to support the motion moved by the Honourable the Finance Member. Sir, I was surprised to see the line taken by Mr. B. Das from the Congress Benches. Of course I find myself in agreement, to a very great extent, with what Mr. Satyamurti has said. Sir, I thought almost all Members adorning the Congress Benches had always their sympathies with the underdogs; if anything, this Bill has been brought forward in sympathy with Abyssinia.

Prof. N. G. Ranga (Guntur cum Nellore Non-Muhammadan Member): We say it does not go far enough.

Mr. M. Ghasuddin: Sir, I must say that Mr. Das has tried to smoke-screen the real issue, although we know that the League of Nations has failed to combat this disaster in Abyssinia to the same extent that was expected of it. As it was expected of all the powers which were signatories to the Kellogg Pact that, as soon as a power was declared to be guilty of breaking that Pact, all extreme measures will be adopted to bring that power to book for infringing the laws of humanity. Alas, these dreams were rudely shattered. But, Sir, it surely does not lie with us to say that the very small measure, that has been brought forward by this Government at the instance of the League of Nations, should be torpedoed by this House. I admit, however, that this measure is quite unsatisfactory; I admit that far more severe measures should have been taken against the infringing power; but, I think, if we throw out this Bill it will not be a very satisfactory thing. Sir, it is not to be denied that our sympathies are entirely with Abyssinia and if tomorrow people in Abyssinia read in their newspapers that this House has thrown out this small and insignificant measure that was brought forward, how disappointed they will be: I am afraid they will misread the motives which actuated us in throwing it out. Sir, no doubt we are dissatisfied with our representation in the League of Nations, but I think we can criticise our representatives at the League of Nations during budget time, and this is not the proper time to bring that under discussion. Sir, we hope that all measures will be taken, and specially all sanctions which are under discussion now will be enforced as soon as possible, and this war will be ended. I whole-heartedly associate myself with the remarks made by my Honourable friend, Mr. Satyamurti, with regard to the message that should be sent through this House to Abyssinia in particular and to the world at large.

Pandit Krishna Kant Malaviya (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): Sir, I know, to my cost, that speaking on the floor of this House is beset with dangers and is not free from peril. When it suited our masters, they told us that this House is the Indian Parliament; they led us to believe that this Legislature is the highest Court of Law and Justice; they led us to believe that we can summon witnesses before this House; they led us to believe that we are as free as this House, that we are the framers and law givers of the land and that, what to speak of the subordinate Governments or the subordinate Courts, even the King could not question us about our conduct in this House and could not ask us to explain what we said; in what manner we said it; why we said it and why we did not express ourselves in such and such a language. But we are told now that our privileges do not extend beyond the walls of this House, that the Members sitting on the Treasury Benches have all the rights and privileges without any duties to the people of this unfortunate land; whereas we, sitting on this side of the House, the representatives of the people, have only duties and duties to perform and have no rights and no privileges. I want to have an assurance from you, Sir, and I want to know whether this Honourable and august House would give me an assurance, that I, or someone near and dear to me or some friend of mine, will not be punished for what I am going to say today. I want to have an assurance, Sir, that no outside authority, no outsider, howsoever high he might be placed, has the power to question the words that I utter here. I want to have an assurance from the Chair that it is only the right and privilege and prerogative of the Chair to guide our deliberations, correct us, and by its ruling stop us from saying what is improper and against the law, and that once the speech has been made no outside authority will sit upon judgment of the discretion of the Chair.

Mr. President (The Honourable Sir Abdur Rahim): That question is not now before the Chair. The Honourable Member should come to the subject.

Pandit Krishna Kant Malaviya: This is a sort of introduction, Sir. (Laughter.)

Mr. President (The Honourable Sir Abdur Rahim): Do not then make it too long.

Pandit Krishna Kant Malaviya: I only want, Sir, that there should not be an indirect censor upon the discretion of the Chair. Coming to the Bill itself, Sir, I wish to point out that I opposed the censure motion which was before this House in the last Simla Session for sending a unit to Abyssinia without consulting this House. I then said that if Government ever acted rightly during the last ten years, it had acted rightly on this occasion. I then said, Sir, that I do want England to go to war with Italy in order to teach her a lesson. It is a surprise to me, Sir, that the Members sitting on the Treasury Benches have not objected to the use of these words by me; you must be remembering, Sir, that when I used these words in the Simla Session, I was told that I was treading on a ground which I should not tread, because they might have a bearing on the international relations of Great Britain with other nations. I want to know whether, by discussing this Bill today, we are not moving towards

[Pandit Krishna Kant Malaviya:] a road which is closed to us. I will not labour this point further. I know that where the interests of our masters demand, even improper things become proper; law, decorum, justice and even claims of humanity are then thrown to the winds. I was then anxious to teach a lesson to Italy; I begged and begged that Great Britain or the members of the so-called League of Nations should fight Italy. If England had only acted then, as we wanted England to act, the war would have been over by now.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammad Rural): This Bill has been prepared according to your wishes.

Pandit Krishna Kant Malaviya: It is too late now. Poor Abyssinia has been made to suffer a lot, with the whole world looking on. My Honourable friend, Mr. James, lectured to us regarding the difficulties of the League of Nations. He told us about the collective will that is wanting. He told us: "America is not there, Japan is not there, Germany is not there, what is the poor League of Nations to do?" He wanted us to believe his words as if we know not that the League of Nations means only England and France, as if we know not that Germany went out of the League simply on account of France, because France is powerful and because the League of Nations is only a handmaid of Great Britain and France. Whose fault is it, Sir, that America and Japan are not there? He told us about the collective will, but the collective will is not there because England and France do not agree and France wants Italy to conquer Abyssinia, because France is anxious to have a powerful ally in Italy on her side to be pitched against Germany when the time comes. England is not prepared to act against the wishes of France. England also wants to retain the goodwill of Italy. We know what Sir Samuel Hoare was doing. Sir Samuel Hoare has been made a scapegoat and compelled to resign. If England had been really what it professes to be, the best thing for England would have been to have asked Mr. Baldwin to resign. Are we asked to believe that Sir Samuel Hoare was acting on his own behalf, that Sir Samuel Hoare was acting against the wishes of his Government, that he was not carrying on negotiations in the name of England?

Mr. President (The Honourable Sir Abdur Rahim): We are not considering that matter.

Pandit Krishna Kant Malaviya: We are not, but that proves to us, Sir, that we cannot have any faith in the *bona fides* of the British Government; so far as the British goodwill towards Abyssinia is concerned. I say, knowing as I do and feeling as we feel, that England does not want to displease Italy, we know that the oil sanctions are yet in the air. If these sanctions were once approved, the war will be over within three weeks: What is the use of asking us to vote for this Bill? Where will it lead us and what will be the result? By the time economic sanctions begin to tell, Abyssinia will be no more. Why ask us to pass a Bill which leads nowhere? If England is prepared to go to war with Italy, I am prepared to vote for this Bill. If England is prepared really to go to war with Italy, I think we will be prepared not only to vote for this Bill but to do something more. But we know that England is not going to do anything of the sort. They want, just as Italy wants, to civilise the Abyssinians. England would gladly give Italy in Abyssinia what she

wants provided she remains within a limit. Of course, she has not got the courage to say so. At the same time, England is interested in the water of the Blue Nile and the road to be built from the Blue Nile to Sudan. If England could get all this and Italy would sanction it without endangering the communications of the East, everything will be over today and England will be backing Italy. I know and every one of us must have read in the papers that Italy almost gave an ultimatum to England and it was in the papers that at about 4 A.M. in the morning, the British representative had to run to the Italian Government, and England conceded whatever the Italian Government wanted. What is the use of talking about sanctions? England is afraid of Italy as afraid as any one else could be afraid of her. She will be only too glad to placate Italy if Italy were reasonable. Then, why talk of sanctions and why bring us into it? If you cannot face Italy, sit tight at home and do not talk of sanctions, righteousness and the desire to punish aggression. Why bring us in? If you want to fight, we are here to stand by you, provided you give us our rights and treat us as equals. We will then do whatever we can to help you; we will help you even against France; but if you only want to talk and talk and treat us as serfs and use us as mere tools, the only thing I would request this House is that we should drop this Bill. Our attitude must be that of America, namely, benevolent neutrality. That is all that I have to say.

Sir Aubrey Metcalfe: Sir, this discussion has followed such very diffuse lines that the bullets fired by the Opposition do not for the most part appear to have been directed at the target. They seem to have gone even wide of the "buts", if I may use a military metaphor.

Sir Muhammad Yakub: If you teach them military tactics, their shots will be more accurate.

Sir Aubrey Metcalfe: I merely make these remarks to explain that I am in some difficulty in answering the criticisms which have been made, since hardly any concern the Bill. I will, however, attempt to clear up, quite briefly, one or two misconceptions which I think have been formed. The question was raised, I think, by both the two Honourable Members who spoke from the other side as to the extent to which India or the Government of India had been consulted in this matter.

In fact it was suggested that India had been drawn into this controversy without consultation and merely at the bidding of His Majesty's Government. Well, I can say at once that that is not the case. The Government of India have been fully and freely consulted by His Majesty's Government throughout. Now, I may say here that I cannot deny that there is a fundamental difficulty, which indeed I may call an inconsistency, in the position of India with regard to the League of Nations. The Government of India is, as you know, entitled as a member of the League to complete freedom of action in many matters which come before the League. But in present constitutional circumstances, the foreign policy of the Government of India is controlled by His Majesty's Government. That I admit. No explanation on my part will remove the anomaly and no fulminations from the opposite Bench will remove it either in the present constitutional circumstances. I would, however, submit—and this is important—that this inconsistency has not really been of any practical importance whatsoever with regard to the question which is now before

[Sir Aubrey Metcalfe.]

the House. All that His Majesty's Government did, was, that they decided that it was their duty to implement, what they considered to be, their obligations under the Covenant of the League of Nations. They inquired of the Government of India whether they, as a member of the League of Nations, not as a subordinate Government, were prepared themselves also to implement their obligations as a member of that League. The Government of India replied that they were prepared to take action, in so far as conditions in India admitted, to fulfil those obligations, on the lines recommended by the League of Nations—not simply those recommended by His Majesty's Government. Well, Sir, as you know the League appointed a committee of co-ordination, on which every member of the League, including India was represented.

Sir Cowasji Jehangir: Who represented India?

Sir Aubrey Metcalfe: I was just going to refer to it—it was raised by my friend, the Honourable Member for Orissa—this will be answered subsequently in answer to questions on the paper, so that I hope you will forgive me if I anticipate the reply that will be given—the representatives of India are His Highness the Aga Khan, and the substitute delegate, an ex-member of this House, Sir Denys Bray, whom possibly some of the Honourable Members present may remember. They represent the Government of India. As I was saying, the League appointed a Committee of co-ordination on which every member of the League, including India, was represented, to deal with the Italo-Abyssinian dispute, and that committee entrusted the task of formulating concrete proposals, with regard to sanctions, to a smaller committee of 18. It was the recommendations of the smaller committee which the Government of India was ultimately asked to implement; and the legislation now before this House has been undertaken in pursuance of the Government of India's agreement to implement those recommendations. I do not know that any particular criticism has at present been brought forward against that decision; but it may perhaps forestall some criticism if I indicate the reasons which led the Government of India to come to that decision. The first, and perhaps the most important, was their obligations as a member of the League of Nations. My Honourable friend, Mr. Satyamurti, has already expounded to the House the actual terms of Article 16, and he has stated or suggested that they go a very great deal further than the League of Nations has hitherto gone. It is not my business here to defend the League of Nations. Mr. James has already made some very apposite remarks on that subject; and all I would say on this point is that even if the action taken on the recommendations of these committees fall short of the action which is required to be taken by the Article there can still be no doubt at all that India would have defaulted in the obligations of membership if she had entirely dissociated herself from the action recommended by the League. That, I think, will be agreed to by all. I submit that such default could only have been justified, if at all, by the very strongest reasons; and I think the Government of India was justified by the entire absence of any such reasons. It may be that some material loss will be caused to India by the diminution and dislocation of trade; but surely that is not a reason which should deter us from fulfilling what are our solemn undertakings. There may be some doubt—in fact there is considerable doubt as to the immediate efficacy of

sanctions to put an end to this war. But surely that is no good reason for refusing to give them a trial. Indeed, as it seems to the Government of India, there were in the present case the strongest possible arguments for supporting the League in their attempt, which may or may not be successful, to put an end to aggressive warfare by means other than the use of force. I do not propose to repeat the general arguments because it seems to me that they are such as will readily suggest themselves and commend themselves to all shades of Indian opinion.

Mr. M. S. Anay: Sir, a Bill like the present one really brings to our mind the unreality of the whole affair. Here we are solemnly asked to enact a law in fulfilment of our obligations as a member of the League of Nations.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Which are discharged by somebody else?

Mr. M. S. Anay: which, as my Honourable friend to my right has justly remarked, are not to be discharged by us, on our own responsibility, but by somebody else in our name. It is a kind of what they call benami transaction going on as far as India is concerned, in the League of Nations. It is a very anomalous position. I do not want to dwell at length on that point for this reason, that my learned friend, Mr. Satyamurti has very lucidly put the whole thing, the nature of our relations with the League of Nations and our relations with the British Government in regard to this matter. Had the Preamble not laid emphasis on this aspect of the question, namely, the fulfilment of our obligations as a member of the League of Nations, possibly this discussion would not have taken the turn that it has taken at all. It is that which has made it necessary for us to say that the whole thing is unreal. At the same time we know—and it has been made abundantly clear as to what our real feelings are in regard to the war that has unfortunately broken out, or I may say, which has been allowed to break out between Italy and Abyssinia. Members after Members have expressed their sympathies go out to the unfortunate Abyssinians who are fighting with their backs to the wall with all the resources at their command in defence of the liberty of their hearths and homes. Anybody in their predicament deserves the sympathy, not merely the lip-sympathy which so many European nations are showing today, but the active sympathy by standing by their side as their allies on the battlefield and by fighting the aggressor who, despite all international obligations and despite the dictates of humanity, is trying to wipe out of existence Abyssinia as a nation. (Shame.) Those who want to maintain the peace of the world and those who claim to have created a pompous organization like the League of Nations for preserving the peace of the world, ought to understand that they have an onerous duty devolved on them, and if in moments of emergency nations who have brought about this pompous organization are not prepared to rise to the proper height in order to discharge their duties towards the oppressed nations, then it is very natural that people should suspect the bona fides of those who have created this organization. One will like to ask, has this organization been created in reality to maintain the peace in the world or has it been started with a view to ensure that

[Mr. M. S. Aney.]

the work of exploitation in non-European countries which some of the nations have already started may go on smoothly and undisturbed? Sir, my friend, Mr. James, said in reply to certain remarks made by my friend, Mr. Satyamurti, that Mr. Satyamurti was wrong, because my friend from Madras stated that British Imperialism was one of the causes or provoking cause or a perpetual standing cause of the war in this world. I want to remind my friends over here that British Imperialism is certainly a perpetual cause, a standing provocation to the people to think in terms of war and not to think in terms of peace at all.

An Honourable Member: Public Enemy No. 1.

Mr. M. S. Aney: It is something like this. Some people think, why should their children not have more land or place in this world, under the sun with plenty of food and riches so that they may also carry on the work of exploitation abroad as the sons of England are doing in India and Egypt today? When a nation is carrying on its nefarious work of this kind and yet passes itself off as an honourable nation, the others are bound to feel that there is something very advantageous in the game, and ask as to why they also should not have some share in the spoils? That is of course human nature. Those who really want peace must think that they at least should not be the cause of provoking or creating a wrong appetite of this nature in others. My friend, Mr. Satyamurti, has expounded this aspect of the matter very clearly, and I do not think my friend, Mr. James, has succeeded in convincing us that his contention was right. Sir, although we feel in this matter that much more rapid steps should have been taken, quick action should have been taken, vigorous action should have been taken, I am not prepared to withhold my consent for whatever the Government of India are doing in the matter, however reluctantly it may be. I do not want the House to understand that because we feel strongly for the niggardly manner in which the British Government have acted, we are going to withhold our consent to whatever the Government is doing here; we want them to act rapidly, quickly and vigorously and show their real sympathy, their active sympathy to those who are oppressed. If they really mean to end the war, they can do it, and we shall welcome peace, because in a peaceful atmosphere alone we think we shall be able to solve our problems also. In the quest of that peace we request them to be more vigorous and more active.

An Honourable Member: More honest.

Mr. M. S. Aney: ... and, as I am reminded by my friend, to be more honest. (Laughter.) With these words, I accord my reluctant support to the Bill.

Mr. M. Asaf Ali (Delhi: General): Mr. President, it is in the midst of conflicting feelings that I rise at this stage of the debate to take stock of the situation after the various speeches that have been delivered in the House. In so far as the Bill is concerned, all I need say is that it is about the most futile measure that I have ever come across in relation to a problem of such tremendous international magnitude.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

But I would have welcomed it, Sir, if it had not proceeded with the Statement of Objects and Reasons which accompanies this Bill. I agree with the step which the Government of India propose to take in this connection in order to discharge a human obligation, or rather, India's obligation to humanity, and to civilization, but in so far, Sir, as our obligation under the Covenant of the League of Nations is concerned, I refuse to recognise it. Am I, as an Indian, alone to recognise the obligation which I owe to the League of Nations? Does not the League of Nations owe me an obligation?

An Honourable Member: Some consideration also.

Mr. M. Asaf Ali: I would just like to draw the attention of the House to the second Article of the Covenant of the League of Nations. The second Article, Sir, is that—any fully self-governing State, Dominion or Colony, not named in the Annexure, may become a member of the League if its admission, etc., etc. Sir, India became an original member of the League of Nations under circumstances which I shall try to describe presently. We became an original member of the League of Nations, presumably because at that time we were painted to the world as a self-governing country. Seventeen years have gone by, and does the League of Nations, even after all these 17 years, ever care to look into the working of the government of this country? Does the League of Nations realise that we have been doing our level best to try and tame the shrew of this irresponsible Government in this country, by the very means which the League of Nations is now proposing to apply on an international scale, namely, boycott and non-co-operation? I recognise, Sir, that this Bill is merely a vindication of the very principle on which we have been acting against the excesses, the aggression, the usurpation of, shall we say, the irresponsible Government of this country? Has the League of Nations ever taken note of this fact? No. Then, why should we be asked to recognise our obligation under Article XVI? Why jump over Article II? If the League of Nations is prepared to discharge its duty to us under Article II, we shall be only too glad to discharge our obligation under the other Articles. That is one point, but I welcome this measure for two reasons. Firstly, it has given us an opportunity to express our feelings with regard to what I should call international brigandage by Italy. Italy has constituted itself into a pestilence of civilisation today, and Ethiopia is fighting at the outpost of civilisation, not merely for its own freedom, but, I maintain, for the entire East, and there will not be found a single heart in the whole of Asia today which will not be burning with indignation at the shameless outrage that has been committed on those poor, helpless people, because, Sir, Italy feels that its former colleagues, its former allies are war weary and they will not interfere, or, at any rate, if they interfere at all, they will interfere most carefully, and allow Italy to grab what she could not grab at the Versailles Peace Conference.

Let me for one moment revert to the origin of our membership of the League of Nations. We became a member of the League of Nations at a time when the victorious Powers were trying to rob the vanquished powers of their colonial possessions. That could not be done very easily, in the

[Mr. M. Asaf Ali.] ordinary way, because, unfortunately, at that time, President Wilson, an idealist, a moralist, a professor, a dreamer, was thinking in higher terms, and the victorious wanted to pacify him. They could not justify swallowing Togoland, the Cameroons, the Congo, and practically half of Africa without showing some sort of reasonable position as far as they themselves were concerned in their relationship to India. It was just before then that we received in India a message from His Late Majesty King George that we had the beginnings of Swaraj in India. When these very reforms were being introduced this message was received here. It was flashed across the whole world, and it was, under those circumstances, to pacify the powers of the world, that India was made a member, and an original member of the League of Nations. It was then that an Indian, a coloured man, became a Peer and he sat as Under Secretary of State for India in the House of Lords.

An Honourable Member: But they won't allow his son to sit there.

Mr. M. Asaf Ali: All these facts combined were made to present a wholly camouflaged state of affairs to the world, and this is how we became a member of the League of Nations. Every time we have put the question, —are we self-governing, are we entitled to be a member of the League of Nations, the answer has been,—"But your case is an anomaly. How you became a member of the League of Nations we do not know". If we are not in our own right entitled to be a member of the League of Nations, where does the obligation come in? No obligation rests on our shoulders. We can easily say we, in our own right, are not a member of the League of Nations, whatever may be the constitution or composition of the League of Nations, whatever may be their methods, whatever may be their aim,—and my Honourable friend, Mr. Satyamurti, has thrown a flood of light on the subject from another angle of vision. Whatever may be their aims and objects, if we, in our own right, were a member of the League of Nations, perhaps it would be only proper to ask us to discharge our responsibilities under Article 16 of the Covenant of League of Nations. But that is not the position. A point was raised by my Honourable friend, Mr. James, in reply to my Honourable friend, Mr. Satyamurti's accusation, which has been partially met by my Honourable friend, Mr. Aney. Mr. Satyamurti maintained that it is the British Empire which is the greatest provocation to the other Great Powers. Let us try and examine the situation. Is it or is it not? Mr. James said: "No. The British Empire is the greatest factor in international affairs which makes for peace." I do not deny for a single second that the British Empire is certainly exerting its influence in favour of peace. I do not deny for a single moment that England is trying her level best to secure peace. But the question is, will England, in the present circumstances, succeed? Can England ever succeed in securing the peace of the world? How can England succeed in securing the peace of the world when the other Great Powers of the world realise that England today possesses something like one-third of the entire world, that England's possessions are scattered in all the five continents of the world, that England's surplus population for many centuries to come can go and colonise vast tracts of land and have vast resources at their disposal, and when the other Great Powers also realise that the British Empire, constituted as it is, is a complete guarantee and an insurance against centuries and centuries of multiplication of England's population? As against that, we find Great Powers like Germany, Italy, and Japan, which have almost

reached the saturation point. Their populations must come out of their country. They must have possessions and colonies from where they can draw their raw materials, and so on. Naturally they will turn to the British Empire and say: "Either you renounce your possessions, or you must allow us to have similar possessions in the world." They are only asking for "a place in the sun". I believe Germany started that expression, Italy used it and is using it today, and Germany will repeat it again. Can you get out of the situation, this international mess? Where is the way to peace? How can you get out of it? The result is morning after morning we find conferences after conferences are failing. Even this morning's news says, the Naval Conference has failed? Why? Because, France will not agree to Germany coming in. Or, again, France is insisting on the terms of the Locarno Treaty. France is insisting on the demilitarised zone being kept, as it was agreed to be kept, under the Locarno Treaty. Therefore, there is difference between various nations of the world. We know that oil sanctions are useless. I can go on giving illustration after illustration, example after example to show that not a single effort which is being made by Great Britain today to secure the peace of the world, either through the League of Nations or otherwise, will succeed, because, to my mind, the League of Nations is nothing else than an annexe of the British Foreign Office, it is nothing more than that. It is perfectly useless to talk of the League of Nations as anything else. The League of Nations is nothing else than an annexe, not only of the British Foreign Office, but also, I think, partially, an annexe of the Quai D'Orsay, the French Foreign Office, and if only Italy were allowed a free hand in Abyssinia, probably Italy would be a third member of the family. Japan and Germany have already walked out of the League, and what are the other nations like? The Honourable the Finance Member was referring to 52 nations which have agreed to these sanctions, I believe. What are those 52 nations? Nations, poor, powerless, impuissant nations, of which we happen to be an unfortunate member. This is propaganda pure and simple. We know how Great Britain can carry on her propaganda during the war. It is nothing else today. It is nothing else but propaganda today. What is India today in her relationship to the League of Nations? A nullity, a cipher, nothing but a field from which Great Britain, in times of need, may draw raw materials and perhaps secure recruits. Nothing more than that. That being the situation, I really do not know whether we should agree to this Bill or not. After the Foreign Secretary's frank confession today—and I congratulate him on his candour—that he himself is a perfect cipher, that he is controlled by the British Foreign Office and that he only carries out the behests of the British Foreign Office, I almost feel that I must advise my Party today and request also other Members of the House to throw this Bill out, merely out of protest at this attitude of British Government.

An Honourable Member: We knew it before.

Mr. M. Asaf Ali: Yes, but this is the first occasion that we are allowed to express our feelings on this subject. You know very well that we are debarred from saying a single word which even smacks of relations with foreign countries. You know how Sir Aubrey Metcalfe gets up when there is even a suspicion of some sort in a reference to foreign relationship and says . . .

Sir Aubrey Metcalfe: I have not raised any objections today.

Mr. S. Satyamurti: It is because of the Preamble.

Mr. M. Asaf Ali: If for no other reason but this one, that even the Foreign Secretary who sits opposite to us, even though he is not so cordial as he might be at times and even though he does not take us into confidence independent as he may be, even he has not got any power whatsoever in so far as foreign relations in India are concerned with other countries—out of protest against that, we ought to throw this Bill out. But I am only afraid that our action might be misunderstood outside. We certainly want to express our sympathy with Ethiopia. Our heart goes out to those who are fighting to protect their hearths and homes, and we may not oppose this measure if only for that one reason.

Finally, Sir, I should like to say one word about what my learned friend, Mr. Satyamurti, said earlier in the day about winding up John Bull and Co., Limited or Unlimited, as it might be. If Great Britain is really anxious for peace, let Great Britain realise that by keeping India helpless, as India is today, she is only increasing her own responsibilities. Supposing we possessed a navy of our own, had the control of our own foreign relations, and we were free as England is today, perhaps England would have found in India the staunchest ally in any war that might have broken out in the West or in the East, a war of aggression. What do you want to fight Italy for today? In so far as we are concerned, we might want to fight Italy for different reasons. We would love to, but what are you fighting Italy for? You are not fighting Italy on account of Ethiopia at all. You want to fight Italy in order to ward off a world war, but, Sir, allow me to say this. I see a world war coming, and I see the League of Nations crackling and going up in smoke. After the next world war, perhaps a new League of Nations may come into existence. So far as the present League of Nations is concerned, it is in its decay. All the factors which compose the League of Nations are almost in the process of disintegration this minute. Great Britain is anxious to utilise the League of Nations as its instrument to threaten Italy, because Great Britain's interests in the East are vast. We see all the Empire routes lie that way, but Great Britain is only facing Nemesis today. There was a time when Italy was encouraged to take a slice of Abyssinia. There was a time when Italy was encouraged to play the deserter in the Great War, when she was seduced from her alliance with Germany. There was a time when Italy was being encouraged as a sort of counterpoise to France's designs on Abyssinia. Why are you complaining against Italy today. Great Britain, France and Italy completed the coastal encirclement of Abyssinia. All the three of them were actually creeping in, each keeping the other in check. Today you happen to be war weary and Italy wants to take advantage of that fact. Why do you complain of it? It is sheer Nemesis. Nothing more. If you want to avoid war, if you want to really secure the peace of the world, then there is only one way out of it, and that is,—give up your imperialistic dreams, give up your imperialistic possessions.

Sir Aubrey Metcalfe: To whom?

An Honourable Member: To us.

Mr. M. Asaf Ali: I am not only addressing Great Britain. I am also addressing France. Republic or no republic, France is as imperialistic as Great Britain, perhaps in a worse way too. Unless imperialism disappears from the world, this great provocation will continue to exercise and inflame the minds of others who want to follow in the wake of these

great powers. However, in spite of all this, I will not oppose the Bill, although, after Sir Aubrey Metcalfe's speech, I honestly feel that we ought to mark our protest by some gesture or other, even if it is by throwing out this measure. I do not know what my leaders feel. We may consider this question at the division time. We may or may not challenge a division, but for the time being I do not commit myself either to support or reject the Bill.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural). I rise to oppose this Bill. It is my misfortune to find myself once more in Alice's Wonderland, and this time I find myself surrounded by a large number of "mad-hatters" who are further away from reality than even the dear old character in the original. I ask myself: what is all this pother about? It seems to me to be a very wholesome rule that this House should constantly be reminded of its inferior position and not permitted to discuss matters that concern His Majesty's relations with foreign Powers. When this subject was sought to be brought before the House at Simla, Member after Member was pulled up by the Chair on the ground that he was trespassing on a matter that was no concern of this House; and that even if it was, it was a matter in which the rules prohibited it to concern itself. I cannot understand how Members today have been able to say all that they have done! It was my desire, Sir, to ask for a ruling from the Chair whether a Bill like this could be brought up in the House at all; but, unfortunately, both at the time of its introduction and at the time of its being taken into consideration, I happened to be absent from this House. Sir, my simple question is this: Are we in a position to make an enemy of any country in this world? One enemy that is, England, is strong enough for us! (Laughter.) We do not want to make any further enemies; and when we have cleared this enmity out of the field, we shall look after others. I cannot understand why, in our irritation against Mussolini, we should alienate the whole of the Italian people; and it is that consideration that makes me oppose this Bill. What is this Bill aiming at? Briefly, it is aiming at interfering with the individual freedom of many people in the country for which the Honourable the Commerce Member is so solicitous. I do not know whether the Honourable the Finance Member consulted him before he brought this Bill up before this House. Sir, the Honourable the Commerce Member, in opposing and criticizing many doings of us Congress-folk, has said that we interfere with the ordinary rights of buying and selling of many people in the land. When a verdict from the Congress goes out against Japanese goods or against British goods, it is supposed to be interference with individual liberty to sell and buy. But when this wonderful Government issues an Ordinance to the same effect—only not against England but against Italy—that is supposed to be the right thing to do! Also, Sir, I do not know whether the Finance Member is aware of the great latitude that the Home Member and the Law Member between them are giving to the Italian Consul-General in Calcutta to use His Majesty's post and many private presses to propagate a lot of literature which is best left unread. But one feature of that literature with which both my friend, Pandit Krishna Kant Malaviya, and myself are concerned, I would certainly like to bring to the notice of this House; and that is that the pamphlets, which the Consul General issues for the consumption of us all, do not bear the proper press imprint as required by law. The law requires that the publisher's name and the

[Mr. Sri Prakasa.]

printer's name should be clearly mentioned on each publication; and I make a present of this fact, that this is not done on those pamphlets, to the Honourable the Law Member; and if he thinks that it is necessary to take action against both the Consul General and his press, it would give great relief to most of us who would at least be saved from the trouble of opening these envelopes every third day! (Laughter.) Sir, what is more. I do not think Ethiopia is at all in need of the sympathy of an impotent people like ourselves; and I personally refuse to play into England's hands, simply because England, for some reason of her own, has got very angry with Italy. Sir, the action of the Government seems to me to be on a par with the action of many feudal lords in medieval France. You will remember, Sir, every serf had to go to his lord, kneel down before him, put his hands in his hands, and say: "I shall bear true fealty to you; I swear true allegiance to you; your enemy shall be my enemy and your friend shall be my friend". Sir, I refuse to become a willing serf of England today, though I may be forced to be an unwilling one because I happen to be born in this unfortunate country. I refuse to kneel down before England, put my hands into her hands and say to her: "your enemy shall be my enemy, and your friend shall be my friend". In fact, the case is just the contrary. So, Sir, my suggestion would be to let the Government act as it has been acting during the last few months by its power of Ordinances. It is no use their coming to us and saying: "let us put this Ordinance on the Statute-book and give the Governor General the right to terminate this law by a notification whenever he should like to do so". Sir, I would like the Government to stew in its own juice, to carry on the government of this country, as well as to regulate its relations with foreign powers, by Ordinances; and let it be responsible to itself for all it does. I do not understand why we should be tied hand and foot and forced to cry "ditto" to all that it does or says. Sir, all the talk indulged in in the House about this matter appears to me to be nothing but tall talk. When people wax eloquent against what the Italians are doing in Abyssinia, I ask: "Has Italy done anything in Abyssinia that England has not already done in this land of ours?" Sir, the shameful history of England's occupation of India, and of all that she has done during the last century and a half will not bear repetition; and so ashamed is the Government itself of it all that when a historical book is published giving the exact facts as they occurred, it is forthwith banned.

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

Sir, the way in which the book "Bharat men angrezi Raj" (British Rule in India) has been treated is a good commentary on what I am saying. Let us not also forget that empires are not built in accordance with Mahatma Gandhi's doctrine of "Ahimsa". The old Sanskrit sloka (verse) will always stand true:

*"Nāchhīvā para-marmāni,
Nākritvā karma duṣhkaram;
Nāhatvā mateya ghātiva,
Prāpnoti mahatim śrīyam."*

"Not without hurting the vitals of others,
Not without doing the direst of deeds,
Not without killing like veritable fishermen,
Can great power and wealth be built up."

If Italy, in the wake of England, is out to satisfy her ambition, it is not for England to say, through her representatives in this House, that Italy shall not do so. My Honourable friend, Mr. Satyamurti, who, I fear, got lost in his own eloquence, forgot that he is not sitting in a free House, but that he is sitting here on sufferance. He wants us to send a message of sympathy from the floor of this House through perhaps this Government.

Mr. S. Satyamurti: I did not say that, Sir.

Mr. Sri Prakasa: Then, is it through the President? I say, Sir, that our sympathies should be sent through the Indian National Congress. The Congress is the only representative institution of the people and it is going to meet in a couple of months. The representatives of the people of this country can then send their message of sympathy, their burning message of love and affection, for the people of Ethiopia. Let us not forget that India and the Government of India are two different things. Anything done by the Government of this country is not necessarily in accordance with the wishes of the people. Conversely, anything done by the people of the country is not necessarily in accordance with the wishes of the Government. So, Sir, if we give our sympathy to this measure of Government, then the Government will be able to tell the world that it has the support of the Indian people. I submit it would be dangerous for us to allow the Government to have any chance of saying such a thing. The only use for us of international complications is that we should be able to utilize them to wrest our own freedom. The tangle that has been created by a quarrel between Italy and Ethiopia does not seem to be of a nature by which we can be enabled to break our own chains of slavery. When we are not able to help ourselves, Sir, in this country or help our own nationals abroad, when we ourselves are perpetually under the heels of this Government, when everyone of us is in constant danger of being shot or imprisoned or maimed or impoverished without any cause or provocation, how does it lie in our mouth to send out useless messages of sympathy to other suffering nations? And, what is more dangerous, by enacting laws of this sort, we might be alienating the sympathies of a people who might otherwise be our friends. Therefore, from every possible consideration, I feel that we should oppose this measure. Oppose it first of all because it comes from the Government and anything coming from the present Government of the country must be suspect; secondly, because it worsens the international situation and makes us parties to a line of activity which may be harmful for us; and, thirdly, because it has inside it an element of danger in the form of making enemies of a people who later on may prove to be our friends.

Mr. President (The Honourable Sir Abdur Rahim): Sir James Grigg.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): Sir, does it mean that the debate is closed?

Mr. M. Ananthasayanam Ayyangar: Sir, I wish to speak before you close the debate.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has called upon Sir James Grigg to speak.

The Honourable Sir James Grigg (Finance Member): Sir, this has been a somewhat long, diffused and spirited debate and perhaps I might be permitted to occupy the somewhat unusual role in this House of pouring oil not on flames but on troubled waters, and, in pursuance of that somewhat unusual role, I might remind the House that this Bill purports to deal with the prohibition of making certain loans and credits to Italy. The subject of this Bill has been mentioned only once, when my Honourable friend, **Mr. B. Das**, spoke and asked a lot of questions about remittances under the impression that remittance is the same thing as loan or credit. My Honourable friend, **Mr. Satyamurti**, asked a question which was distinctly relevant to the general position in regard to sanctions, though not perhaps to this Bill, and that was what was the position in regard to the provision of the Covenant relating to mutual support. Well, Sir, the position of the Government of India in that matter has been fully represented. We are to be fully represented on the Committee which has to discuss that subject, and I can assure the Honourable Member that the interests of India in the matter of compensation are being kept fully in mind. Nothing very much has happened yet about it because as far as I can make out, judging from the trade returns of this country, it is very difficult to prove that we have suffered a great deal of damage and the reason for that no doubt is that long before the sanctions became operative, the trade with Italy had already been reduced, owing to her own economic difficulties, to very small dimensions so that the necessity for mutual support so far as India is concerned is not yet very apparent. In any case I can assure the Honourable Member and the House that the position has been fully safeguarded as far as India is concerned. That, Sir, is all I need say. Most of the debate, as I say, has been on high politics and very little of it on the subject of the Bill. The House having had a field day, will now, I think, be willing to come to a decision on the subject of the Bill.

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

"That the Bill to prohibit the making of certain loans and credits 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."

Mr. M. Ananthasayanam Ayyangar Sir, I beg to move:

"That to clause 2 of the Bill, the following *Explanation* be added at the end:

Explanation.—Selling of gold shall constitute a form of loan for the purposes of this Act."

Sir, I wish to know, if we sell gold to Italy what is it that we may get in return?

The Honourable Sir James Grigg: I rise to a point of order. How is selling of gold to Italy a loan?

Mr. President (The Honourable Sir Abdur Rahim): Selling is no loan. How does the Honourable Member say that his amendment is in order?

Mr. M. Ananthasayanam Ayyangar: What for do you sell gold? It is for stocks and shares in that country. Then, is it not a loan?

The Honourable Sir James Grigg: Certainly not.

Mr. M. Ananthasayanam Ayyangar: I am only trying by my amendment to explain my point. My point is that if gold is sold in exchange for articles of consumption or for articles, that may not be a loan. If it is sold otherwise for stocks or Government paper of that country, then it is a loan and nothing short of it.

Mr. President (The Honourable Sir Abdur Rahim): There is no mention of that in the Honourable Member's amendment.

Mr. M. Ananthasayanam Ayyangar: Well, Sir, the amendment may be a little too wide. I am prepared to modify the amendment by adding the words "except in case of purchase for goods and commodities".

Mr. President (The Honourable Sir Abdur Rahim): Is the Honourable the Finance Member willing to accept the modification?

The Honourable Sir James Grigg: No, Sir, because it seems to me that the Honourable Member is asking the House to stultify itself and to insert in a Bill a provision that the selling of gold shall be something which it obviously is not. The selling of gold for any value received cannot possibly be a loan and if you do not get any value for it it is not a loan, it is a gift.

Mr. President (The Honourable Sir Abdur Rahim): The Chair rules that this amendment is beyond the scope of this Bill.

Mr. M. Ananthasayanam Ayyangar: Sir, there is another amendment to clause 2 which I desire to move, regarding the exclusion of insurance premia from the scope of the Bill.

The Honourable Sir James Grigg: Sir, I do not know if the Honourable Member was present when I gave a perfectly explicit assurance about this and I thought at the time he expressed himself as satisfied. In my introductory remarks I read from the original press notice on the subject which shows quite conclusively that what he wishes to add is unnecessary. The notice says that customary settlements of account in connection with insurance contracts, stock exchange, railway clearings, etc., are not to be affected by the Ordinance. I do not know if the Honourable Member takes this too as a loan, but it is not.

Mr. M. Ananthasayanam Ayyangar: All the same, I want to move the amendment, because this assurance is worth nothing.

The Honourable Sir James Grigg: I have given a complete assurance that the amendment that is proposed to move is unnecessary. In the press communiqué, which explains this Bill, it is stated that the effect of the law is precisely what the Honourable Member wants it to be.

Mr. Bhulabhai J. Desai (Bombay, Northern Division, Non-Muhammadan Rural): Sir, I wish to raise an important point, and, were it not for its significance as bearing on all the Bills before this House, I should not have thought it necessary to occupy your time. The question is not what assurance is conveyed to this House as to the true interpretation of a particular word or a term used in a Bill before the House, either by the eminence of my learned friend, the Leader of the House, or even, with great respect, any interpretation by you. The question is this: There is a Bill before the House in which certain terms are used. A doubt is conceived by a Member of the House whether or not a particular transaction would be covered by the language used, and it is entirely for the House, Sir, and neither for the Leader of the House, nor for the Chair, to say whether an amendment which he seeks to put by which he hopes to except a particular transaction which it is now sought is already excepted or not covered by it.

Mr. President (The Honourable Sir Abdur Rahim): Supposing it is clear. If there is any doubt, the Chair quite agrees.

Mr. Bhulabhai J. Desai: The degree of clarity is always a matter of argument.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member contend that there is any doubt in this matter?

Mr. Bhulabhai J. Desai: With great respect, I wish to speak first on the first principle. Any amount of opinion expressed on a particular transaction, which is not covered by the language of the Act, is not sufficient to oust an amendment. That is my first submission. Once that is granted, I will next discuss whether this particular amendment comes within it or not. But I do want it made quite clear, with great respect, so that it may serve as a precedent for the future, that when any amendment is sought to be moved, its propriety cannot be judged by the fact that a particular opinion is entertained of its construction, when passed into law, because, when it is passed into law, any opinion expressed here would not assist the man who is within the mischief of that law, if otherwise more widely construed. I submit, therefore, that if a Member of the House entertains any doubt about it, while the House does not, the amendment would be thrown out, but so long as he does entertain a reasonable doubt, without which he would not wish to occupy the time of the House, he should be allowed to move the amendment. Now, in this case, the question relates to insurance premia. You would say, Sir, that "No person shall make, contribute to, participate in or assist in the making or issuing of any loan". But clause 2(1) (ii) refers to any person wherever resident, being a body corporate incorporated under the law of any such territory, so that it is not as if the loan is merely a loan to the Government of Italy or even for the purpose of assisting the Government of Italy. It may be a loan to any person wherever resident, being a body corporate incorporated under the law of any such territory. Now, undoubtedly an Italian insurance company is a body corporate under the law of Italy. "Such territory" means Italy. There are many cases in which, though it is called a premium, interest runs on insurance premia when paid in advance. I know of numerous

cases, Sir, in which, if Rs. 5 are called for, more often than not, Rs. 8 are paid on terms that the Rs. 3 will carry interest. I submit with very great respect that in a matter of this kind, of a mere view that it is not covered or may not be covered, it is not proper to oust an amendment.

Mr. President (The Honourable Sir Abdur Rahim): The Chair simply wanted to know whether there is a question of interpretation.

Mr. Bhulabhai J. Desai: May I submit this? Supposing the loan was purely to the Government, or to any body corporate for the purposes of war or on any limitation of that kind, I should not have thought it necessary to occupy your time, but there is a point.

Sir Cowasji Jehangir: Is not the premium a loan under certain conditions?

Mr. Bhulabhai J. Desai: It is.

Mr. President (The Honourable Sir Abdur Rahim): The Chair will now adjourn the House.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House): I have already informed the House, Sir, that the consideration of the Report of the Public Accounts Committee will be put down for Monday after the presentation of the Railway Budget. As the Honourable Members are aware, has been allotted to the General Discussion of the Railway Budget, and Friday is a holiday.

Mr. S. Satyamurti (Madras City, Non-Muhammadan Urban): May I ask the Honourable the Leader of the House whether he has considered our request for two additional days for non-official business this Session?

The Honourable Sir Nripendra Sircar: Sir, I have that in mind. The position is this. As the arrangement now stands, I believe immediately after the Finance Bill, the Ottawa Pass will be taken up. I am quite willing to give two days, one for non-official Bills and another for non-official Resolutions, immediately after these two previous engagements are over. It is rather difficult for me to mention any date now; that we can discuss later on.

The Assembly then adjourned till Eleven of the Clock on Monday the 17th February, 1936.